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AUTHOR Bouganim, Hara; And Others
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ABSTRACT

To assist state vocational education administrators in the development of Methods of Administration (MOAs) describing plan for the implementation of their civil rights responsibilities, a project provided several forms of technical assistance. (March 1979 Office of Civil Rights guidelines required the formation of MOAs.) Three major activities which comprised the nine-month project were (1) development and dissemination of standards which list the required elements and provide specifications regarding MOA content, (2) delivery of technical assistance in MOA development to Georgia, Illinois, New York, Oregon, and Guam--after which the model states' MOAs were disseminated to all states, and (3) conduct of five regional workshops in February and March 1980 for all the states and outlying areas to provide information and assistance in MOA planning and preparation. Approximately 150 workshop participants included representatives from vocational education agencies as well as from national and regional federal offices. The project successfully accomplished its ultimate goal but recommendations for future projects of the same nature were made regarding technical issues, policy issues, and technical assistance to states. These include designation of a single federal contact point to which each state can turn for assistance in MOA development, expedition of the MOA approval process, provision of implementation guidelines and program review instruments, and the facilitation of communication and information dissemination at the state and federal level. (MN)

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CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

Development of Model Methods of Administration (MOA) for the Implementation of the Office for Civil Rights Guidelines for Vocational Education

Final Report

Principal Authors: Hara Bouganim
Kristina Engstrom
Gregory Bartlett

Contributing Authors: Karen Rafeld
Maria Mossaides

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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475 L'ENFANT PLAZA WEST, S.W., SUITE 2970, WASHINGTON, D.C. 20024

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

EXECUTIVE ABSTRACT

Development of Model of Administration (MOA) for the Implementation of the Office for Civil Rights Guidelines for Vocational Education.

This nine-month project, awarded to CRC Education and Human Development, Inc. in November, 1979, was designed to assist state vocational education administrators in the development of Methods of Administration describing plans for the implementation of their civil rights responsibilities. The precedent-setting task of MOA development was facilitated by the preparation of five model MOAs which were disseminated to all states.

CRC Education and Human Development conducted three major activities in the course of the project:

- Development and dissemination of standards which list the required elements and provide specifications regarding MOA content.
- Delivery of technical assistance in MOA development to Georgia, Illinois, New York, Oregon and Guam. The model states' MOAs were then disseminated.
- Conduct of five regional workshops in February and March 1980 for all the states and outlying areas to provide information and assistance in MOA planning and preparation. Approximately 150 participants from state and outlying area vocational education agencies, OCR Regional Offices and BOAE attended.

The final report provides a historical background of the project and details all project activities and accomplishments. It concludes with recommendations to BOAE relating to the technical aspects of the project, policy issues, and future BOAE assistance to the states and outlying areas.

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I. INTRODUCTION

On March 21, 1979 the Department of Health, Education and Welfare issued vocational education program guidelines for eliminating discrimination which, among other requirements, called upon each state vocational education agency to prepare a document describing its plan for complying with civil rights law, called a Methods of Administration (MOA). Recognizing the urgency and complexity of the MOA development task facing state vocational education agencies, the Bureau of Occupational and Adult Education (BOAE) awarded a contract to CRC Education and Human Development, Inc. to assist states and outlying areas in developing MOAs. BOAE envisioned that the nine-month project would accomplish two major objectives: assisting four states and one territory to develop model MOAs; and assisting the remaining states and territories to develop MOAs through workshops, dissemination of the model MOAs, and information on MOA development. The activities of the project included:

- The development and dissemination of standards which list the required elements and provide specifications regarding the content of MOAs.
- The delivery of technical assistance in the development of MOAs to Georgia, Illinois, New York, Oregon and Guam.
- The conduct of five regional workshops in February and March 1980 for all the states and outlying areas to provide information and assistance in MOA planning and preparation.
- The provision of technical assistance to all states upon request following the workshops.

This final report describes the context in which the project took place and the activities undertaken by CRC Education and Human Development in the course of the project, evaluates the project's accomplishments, and proposes recommendations for the Office of Vocational and Adult Education (the new designation for BOAE) to consider in its continuing efforts to meet the challenge of civil rights.

A. CONTEXT

The requirement for the completion of Methods of Administration by state vocational education agencies is the culmination of a lengthy and complicated history involving an initial effort by citizen groups to enforce civil rights in vocational education and subsequent congressional, judicial and administrative response to that effort. The following examination of the historical background of civil rights in education and of the civil rights activities of federal and state vocational education agencies illustrates how civil rights has become a key concern to the vocational education community. The current civil rights responsibilities of state vocational education agencies is also briefly presented.

1. Legislative and Judicial Background

Civil rights protection for all citizens is rooted in the Fourteenth Amendment to the Constitution, which requires that no state shall deny to any person within its jurisdiction the equal protection of the laws. However, the recent history of civil rights in education begins with Brown vs. The Board of Education, in which the Supreme Court overturned the 1896 case, Plessey vs. Ferguson, and established that separate is not equal. Case by case litigation followed the Brown decision, resulting in the dismantling of many dual school systems. However, the slow pace of desegregation led civil rights activists to focus their efforts on legislation, resulting in the Civil Rights Act of 1964. Title VI of the Civil Rights Act and the HEW regulations promulgated thereunder, issued in 1966, prohibit discrimination in federally-funded programs on the basis of race, color and national origin in provision of services and, to a limited extent, in employment.

The concept of equal protection was an evolving one. Not only did the number of protected classes increase, but the concept was refined through legislation, federal agency regulations, and court decisions. Women and persons with disabilities equated their experience with those of blacks and other minority groups, pressured for legal decisions, and then took the legislative route. Title IX of the Education Amendments, promulgated in 1972, prohibited discrimination in federally-funded educational programs on the basis of sex. Title IX Regulations, issued in 1975, detailed the types of discrimination prohibited in the provision of services and employment.

Civil rights protection was then extended to handicapped individuals in Section 504 of the Rehabilitation Act of 1973, with implementing regulations issued in 1977. These regulations specify the general types of discrimination prohibited and contain subparts applicable to specific types of recipients of federal funds. Recipients with preschool, elementary, and secondary education programs, are responsible to provide "free appropriate public education" to each handicapped student in the "least restrictive environment" appropriate. Increasingly comprehensive civil rights coverage of disadvantaged classes has continued with the issuance of the proposed regulations against discrimination on the basis of age (1979).

Specific focus on vocational education dates to 1971, when the major court case in this area, Adams vs. Weinburger, was filed. The original allegation, that HEW had failed to enforce Title VI in southern and border states, broadened as groups representing women, bilingual students, and handicapped persons joined the suit. By 1977, the suit covered all 50 states and all protected classes, and vocational education was targeted as an area which particularly warranted OCR's attention. When an OCR agreement to issue guidelines for enforcement of civil rights in vocational education was not carried out, the Adams plaintiffs asked the court to order specific action.[1] The resulting

[1]Paraphrased from the Memorandum from Daniel Dunham, Deputy Commissioner of BOAE, to State Directors of Vocational Education and Executive Directors of State Advisory Councils on Vocational Education, November 1, 1979.

consent decree (December 1977) accelerated time frames for OCR to resolve discrimination complaints and, in addition, required more compliance reviews, a survey of enrollment patterns by race, national origin, sex, and handicap in vocational educational programs, and the issuance of civil rights guidelines to explain the civil rights responsibilities of vocational education programs.

The Guidelines,[2] issued on March 21, 1979, both clarified and extended the responsibility of state vocational education agencies in enforcing civil rights compliance. Although state agencies had been legally responsible for enforcing Title VI. Title IX, and Section 504, there had been little federal pressure on them to do so. The Guidelines specifically reiterated the duty of state agencies to assume responsibility for their procedures and programs, and added a requirement that state agencies oversee the activities of all subrecipients of the state agency for civil rights compliance. Included within this oversight responsibility were: 1) collecting and analyzing subrecipient data related to civil rights, 2) conducting periodic compliance reviews of subrecipients, 3) providing technical assistance on request, and 4) reporting findings to the Office for Civil Rights (OCR).

To ensure that state agencies carried out the above responsibilities in a reasonable and timely manner, the Guidelines directed their state agencies to specify in a Methods of Administration (MOA) document (to be submitted by March 21, 1980) the activities, procedures, and personnel to be utilized to meet their civil rights obligations.

The MOA requirement represented a dramatic new approach in civil rights compliance efforts: placing initial responsibility for evaluating and implementing compliance on state agencies, with federal agencies serving a back-up function if compliance at the local level is not obtainable by the state. This new approach represents a judgment that the responsibility for enforcement of civil rights in vocational education requires the active involvement of the state agency familiar and in close contact with subrecipients.

On July 1, 1979 a Memorandum of Procedures,[3] called for the Guidelines,[4] was jointly issued by BOAE and OCR. The Memorandum was intended to guide state agencies in developing their MOAs and, by implication, in producing more effective compliance programs. It provided detailed information on the requirements for the MOA and numerous suggestions for program components in which states have options. The Memorandum divided the MOA into five sections, setting out specific requirements for each section:

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[2]Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap, 44 Fed. Reg. 17162-17175.

[3]Methods of Administration for Complying with Civil Rights Requirements in Vocational Education Programs, July 1979, Department of Health, Education and Welfare, (BOAE and OCR).

[4]Vocational Education Programs Guidelines for Eliminating Discrimination on the Basis of Race, Color, National Origin, Sex, and Handicap, 44 Fed. Reg., p. 17163.

I. Introductory Information (the MOA development and approval process)

II. Organization to Meet Civil Rights Responsibilities

III. Review of State Policies and Procedures (to ensure that they are not discriminatory)

IV. Ensuring Compliance by Subrecipients (state's oversight responsibilities)

V. Reporting to the Department

After receiving the Memorandum, each state was under a nine-month deadline to produce its MOA, in effect designing a complete civil rights monitoring system. Although the new directives appeared, to many states, to represent a reordering of priorities from vocational education program improvement to civil rights implementation, equal access had been a long-term federal and state concern in vocational education, as we see in the following sections of this report.

2. Federal Civil Rights Activity in Vocational Education

Since the Vocational Education Act of 1963, federal vocational education legislation has structured funding to provide vocational educational opportunities to a broad population. Title II of the Education Amendments of 1976 (P.L. 94-482) specifically addresses sex equity by funding a sex equity coordinator in each state and specifying her/his responsibilities. Title II also sets aside funds for disadvantaged (often racial and ethnic minority) students, and for excess costs for bilingual and handicapped students. Annual BOAE reviews of state programs (MERC-Q reviews) have included inquiry into compliance with Title IX and Section 504.

OCR has conducted civil rights surveys and has accelerated its investigation of complaints relating to vocational education. OCR and BOAE have provided assistance to the states in developing and implementing the MOA, through national training projects.

3. State Activity

State agencies' activities related to civil rights prior to the issuance of the Guidelines was sometimes considerable, although generally not comprehensive. In addition to sex equity coordinators, personnel were often assigned to coordinate state and local efforts relative to the protected classes. These personnel included coordinators of programs for handicapped and/or disadvantaged students and in some cases for bilingual education and EEO, as well as coordinators required by Title IX and Section 504. Sex equity coordinators have frequently conducted the major civil rights activity in state vocational education agencies, developing programs to encourage enrollment into nontraditional vocational

education programs, conducting in-service training, providing technical assistance, and monitoring Title IX self-evaluations and the development of sex-equity annual plans by LEAs.

State agencies have also collected extensive civil rights data through the Education Data System (VEDS). Many states have completed Title IX and Section 504 self-evaluations, as required by those regulations.

Some state agencies included civil rights compliance issues in their program reviews* prior to the issuance of the Guidelines, particularly in the area of sex equity. The program reviews, mandated for 20% of the LEAs yearly, represent an evaluation system that most states plan to use as the basis of their expanded civil rights compliance activities.

The Guidelines and Memorandum told state agencies that they must not only place new emphasis on civil rights compliance, but also that their efforts in this area would be examined closely. The initial reaction of many state agencies to the requirements of the Guidelines was cautious. States questioned OCR's authority to require MOAs and were concerned about both the adequacy of their resources to develop and carry out a civil rights compliance program and the possible damage compliance activities might cause to established working relationships with LEAs.

States recognized that although they were expert in planning and administration in the program area, they lacked civil rights knowledge and compliance experience. The requirement that they develop a MOA created three major problems:

- Substantive - State agencies needed definitions of terms used in the Guidelines, such as the term "subrecipient" and clarification of the criteria to be used for determination of noncompliance and in conducting desk and on-site reviews.

- Organizational - State agencies needed to develop an internal organization both for writing the MOA and for administering their compliance activities.

- Practical - State agencies had to anticipate potential problems in their compliance efforts, and had to be aware of the possible consequences of staffing and procedural decisions made in the MOA.

B. THE PROJECT APPROACH

At the time of award of this contract (November 1979), most states had taken little action toward MOA development. As pressure for producing a MOA by March 21, 1980 increased, state agencies repeatedly expressed the need for federal assistance. Development of a MOA that was both feasible in operation and acceptable to OCR became their main concern.

* These are the "112 program reviews" mandated under P.L. 94-482.

CRC Education and Human Development's first response was to formulate project objectives and thereafter to define specifically the project's major tasks.

1. Objectives

An overall goal was to help all states and outlying areas develop workable MOAs. Further definition of objectives specified the MOA as a document, as a compliance process, and as a means for establishing new linkages between states around civil rights issues. Each of the objectives specified would need to be met for the model states and Guam, and then for the other states and outlying areas.

a. To help states develop MOAs that meet the requirements of the Memorandum of Procedures. The Memorandum from BOAE and OCR is a complex document, with detailed explanations in some areas, and limited information in others. It contains required elements, or "musts," for the MOA, and suggestions that vary in strength from "shoulds" to examples. To meet the need for further explanation of its requirements, CRC developed a standards document to provide detail on the requirements and explore the implications of alternative plans on civil rights activities, with checklists to highlight requirements. Workshop activities using the standards and checklists would focus on a careful examination by each state of its draft MOA.

b. To provide states with adequate information on the Title VI, Title IX, and Section 504 Regulations and the Guidelines to produce workable MOAs. The limitations of the workshop agenda did not allow for thorough training in the regulations. However, these legal documents were cited as an important basis (with the Memorandum) for developing an MOA, and were used as reference tools at the workshops.

c. To help states develop realistic (workable) MOAs that reflect state structures and resources. The Memorandum is a flexible document. Its drafters recognized that effective compliance programs could vary greatly from state to state. A state-specific program would take such factors into account as the number of subrecipients, size of the state vocational education agency, state organizational structure for secondary and post-secondary programs, program evaluation and technical assistance systems, and protected classes in the state. The CRC standards document highlighted the organizational and resource utilization options, and workshop activities analyzed vocational education system characteristics and their implications for MOAs.

d. To encourage information-sharing among states. Although MOA development was a new process, a strong vocational education network existed which could be encouraged to integrate civil rights concerns. Sharing of the experiences and resources of the model states and of states within each BOAE branch at the workshops was intended to help develop lines of communication. Follow-up communication with states from CRC further disseminated information and encouraged referral of one state to another.

e. To encourage links between states and OCR Regional Offices and other federal agencies (BOAE, Desegregation Assistance Centers, etc). The Memorandum contains extensive reporting requirements to OCR. For most states, relating with OCR would be a new experience. Our objective was to facilitate contact between the states and OCR by emphasizing the value of OCR expertise and by inviting OCR officials to the workshops. Further, we encouraged BOAE staff to attend the workshops and all other project meetings to increase their awareness of the issues with which states were dealing.

2. Conceptual Approach

The project goal, to help states develop acceptable and workable MOAs, was clear. However, there were a number of problem areas facing the project, some related to the innovative nature of the MOA document, and some to the development process itself. Our conceptual approach to the solution of each was a critical factor in the success of the project. The problems were:

- Tight and numerous project requirements.
- Lack of clarification of many policy issues, such as those relating to standards for judging MOAs, definitions, level of detail.
- Lack of precedent for MOA development, content or format.
- Diversity of states in terms of size, organization, resources, knowledge of civil rights regulations, and status of MOA development.
- Pressure on states to submit their MOAs by March 21, 1980.

Our approach to meeting project requirements relied largely on the organization of staff. A core staff remained consistent throughout the project. This staff was highly skilled and experienced in civil rights, vocational education, technical assistance delivery, training design and delivery (particularly in civil rights), and project management. Four core staff members served as liaisons to the model states and Guam. One staff member headed the standards development team; another led the materials design team; and the responsibility of head trainer at each workshops rotated among core staff. To supplement the core staff, consultants were hired to work on-site with the model states; a Technical Advisory Group was formed to review our approach and our products, and additional trainers were involved in the workshops. In large part, however, those who developed the products and worked with the model states also delivered the training. This provided for each training team a level of knowledge of specific issues, examples, and approaches that was essential to make the workshops relevant to the participants.

As the project proceeded, questions arose that required policy determinations by BOAE and OCR officials. Because much of our work had policy implications, it was particularly important that our products receive the serious attention of government reviewers and that policy decisions be made with respect to project activities and materials. At the same time, the tight schedule of project events meant that we could always not wait for policy decisions to be made. Thus, we and state agency officials worked in an atmosphere of uncertainty.

Since workshops were held before BOAE and OCR had developed their MOA review criteria, we developed review instruments on our own based on our standards. It turned out that our instruments, and the standards from which they came, were more rigorous than the government's review criteria. We hope our standards contributed to the quality of the resultant MOAs.

The lack of relevant precedents was anticipated in the RFP by its focus on MOA developmental aspects. Thus, the MOAs that the model states produced and the process which was followed in developing them were to serve as examples which the rest of the states might consider in working through their MOA development tasks. Although this approach was sound in theory, the late timing of the workshops reduced the usefulness of information on model states' MOA developmental process; by the time the workshops were held, many states had already drafted their MOAs. In addition, the model MOAs were not reviewed by BOAE and OCR before their dissemination at the workshops. Thus, we could not guarantee that the models would be acceptable to the government. Just as the model states had put forth their best efforts to respond to the letter and intent of the civil rights directives, we urged all other states to do the same.

The extreme heterogeneity of the states was another challenge. In providing technical assistance to the models and in designing the training and training materials, we took the varying size, organization, and resources of the states into account. This was done in several ways, including:

- Conducting a needs assessment of state agency personnel;
- Addressing individual concerns raised by participants at workshops, including providing technical assistance during the evenings to those who requested it;
- Utilizing in the workshops the expertise of more experienced participants; and
- Adjusting activities to the stage of development of each state's MOA.

We attempted to meet the states high level of concern about completing the MOA document by the March 21, 1980 deadline by providing standards and models upon which much of each state's MOA could be based. The training was highly task-oriented, focusing on the writing of an MOA, yet emphasizing that the MOA should reflect organizational and policy decisions unique to each state, and that an MOA should be a blueprint for an effective compliance plan.

Thus, our conceptual approach was designed to meet the key challenges of the project through effective organization, intensive communication, knowledge of civil rights requirements and state status, and an individualized approach to both technical assistance to the models and materials and workshop design and delivery.

II. PROJECT ACTIVITIES

In this chapter, the major projects activities are described in approximately chronological order. They are divided into six major categories, with most culminating in one or more major products. Although presented sequentially, many of the activities occurred simultaneously. A GANTT Chart follows as Exhibit 1 to illustrate the overlapping tasks, including

- Project start-up
- Standards development
- Technical assistance to model states
- Workshop design and materials development
- Workshops
- Post-workshop activities

A. PROJECT START-UP

The contract was not awarded until early November 1979, a late start that intensified already tight time pressures. A baseline management plan and a one-page project abstract were submitted to the Project Officer. The plan described each major work task, personnel and effort level involved in each, report contents, and the interdependence among tasks. Revised GANTT charts reflected the change in the beginning date of the contract. Work on the major project tasks began immediately after the orientation session with the Project Officer.

An early task was to identify and nominate Technical Advisory Group (TAG) members for approval(see appendix). The purpose of the TAG which consisted of a representative from each of the model states and Guam plus five other members, was to advise CRC Education and Human Development on the conceptualization and design of the project, to assist in workshop delivery, and to participate in the development of all major products. In addition, technical assistance consultants were identified to work with Guam, Georgia, and Oregon. Illinois preferred to use part of its discretionary funds to subcontract with two University of Illinois professors for consulting services. New York made its own arrangements with a consulting firm, Organizational Leadership, Inc., to assist in the development of the MOA and a comprehensive civil rights compliance system.

In addition to the services of technical assistance consultants and direct technical assistance provided by CRC staff, the contract made available discretionary funds up to $5,000 for each "model" state to use in developing, refining and implementing their MOAs. A system for disbursing these funds was established with each state in the early phase of the project.

KEY

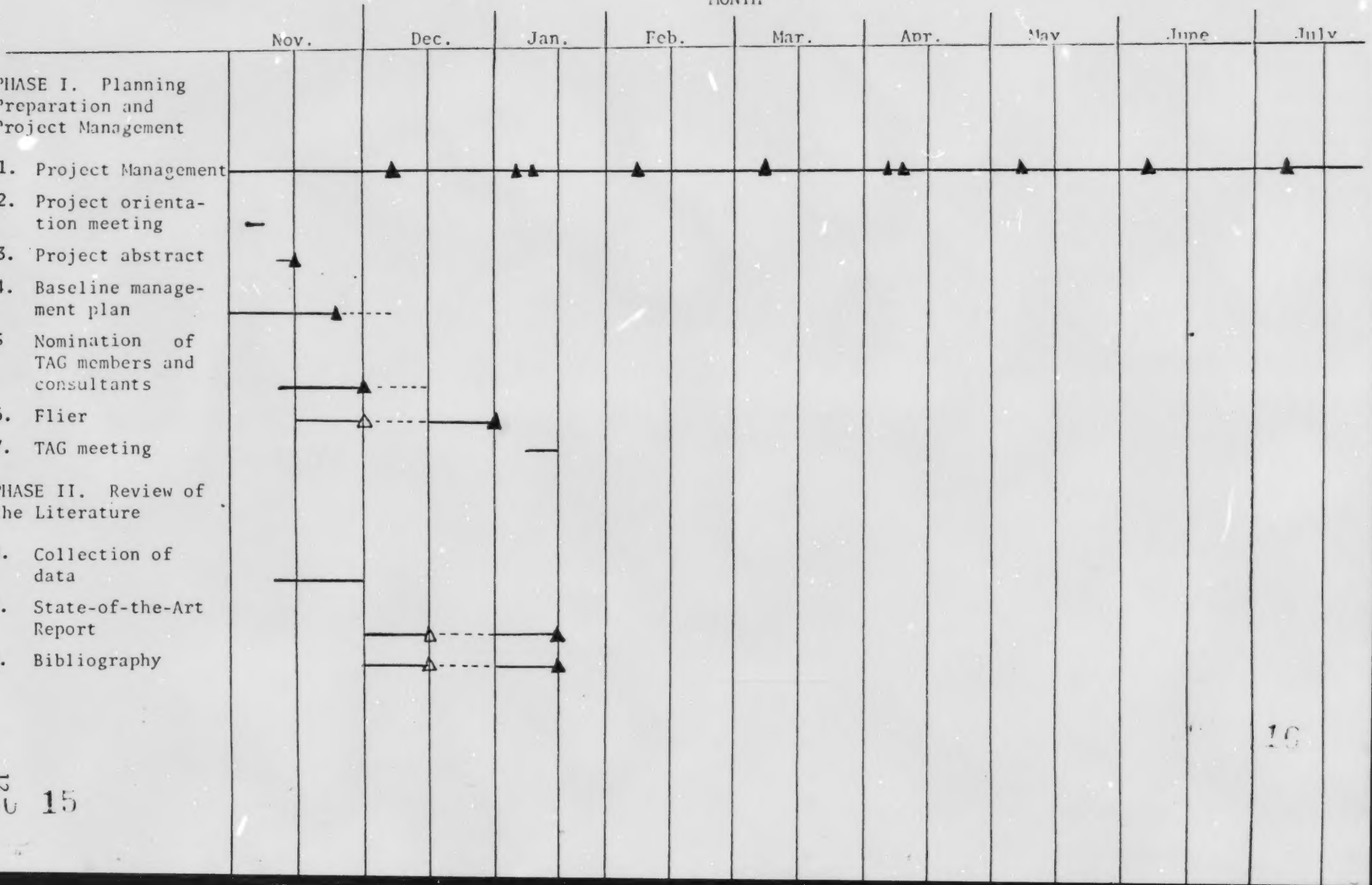
△ = Draft deliverable

▲ = Final deliverable

----= BOAE Review

EXHIBIT 1

GANTT CHART



GANTT CHART

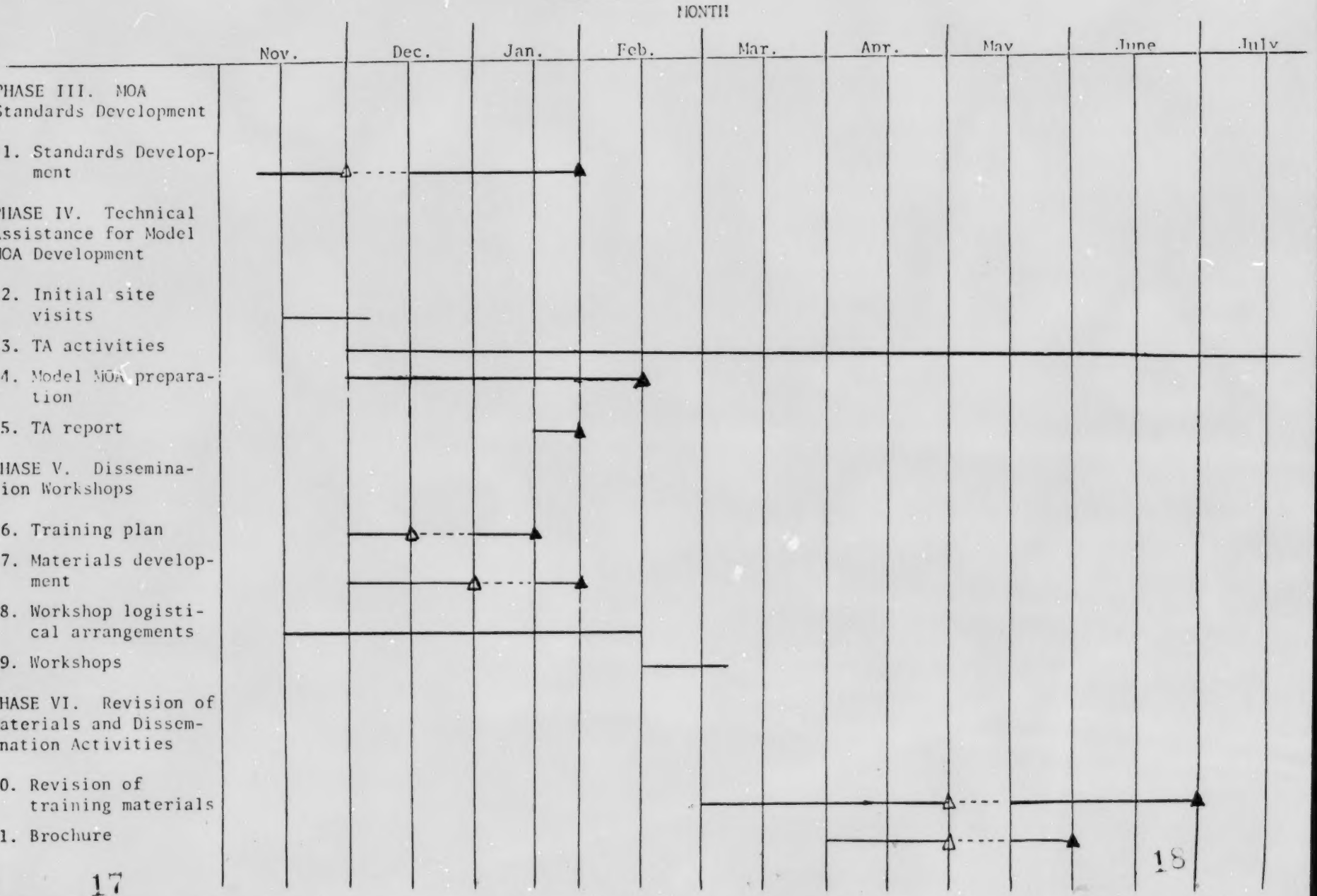
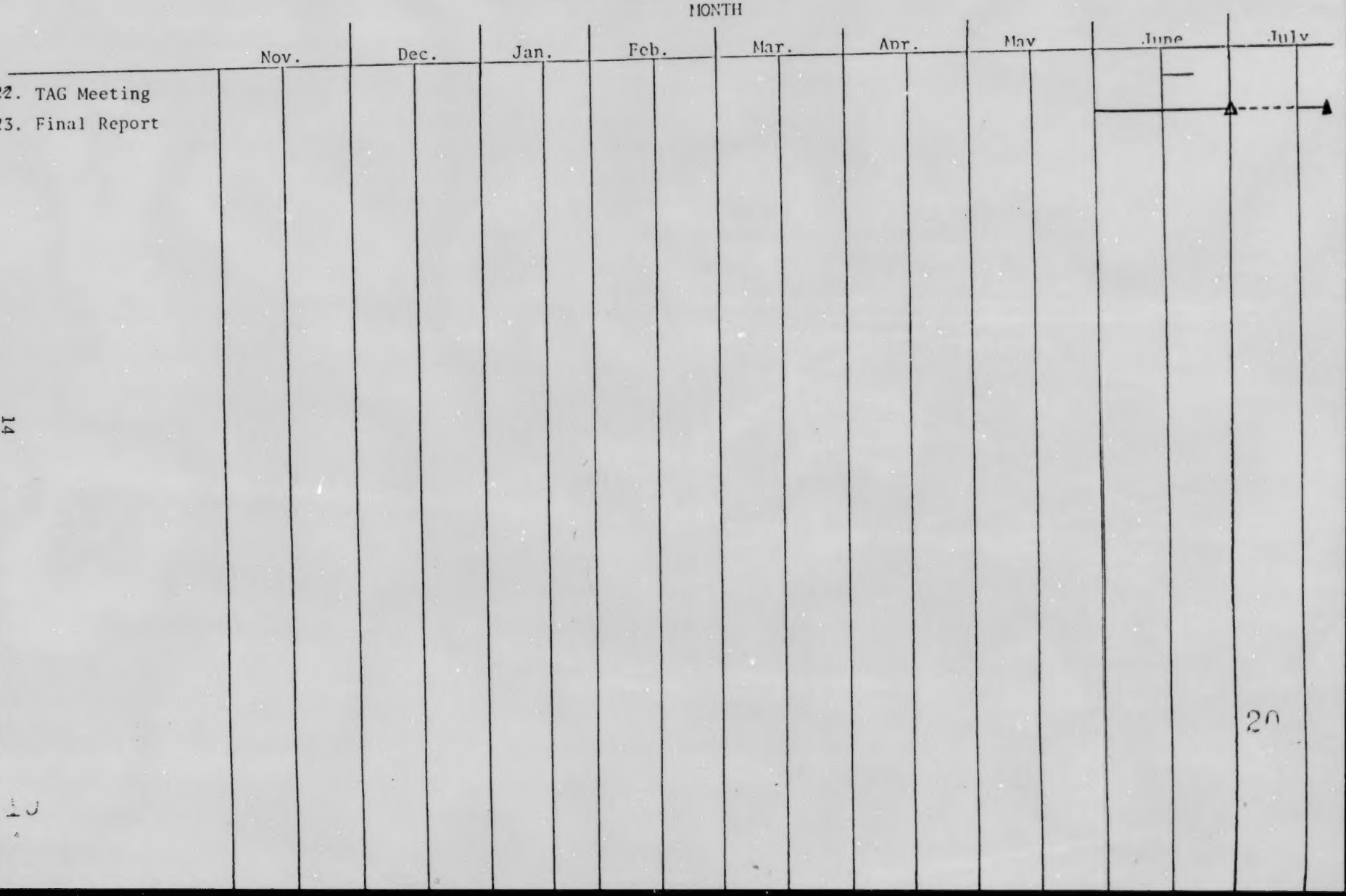

MONTH
Nov.
Dec.
Jan.
Feb.
Mar.
Apr.
May
June
July
PHASE III. MOA Standards Development
11. Standards Development
PHASE IV. Technical Assistance for Model MOA Development
12. Initial site visits
13. TA activities
14. Model MOA preparation
15. TA report
PHASE V. Dissemination Workshops
16. Training plan
17. Materials development
18. Workshop logistical arrangements
19. Workshops
PHASE VI. Revision of Materials and Dissemination Activities
20. Revision of training materials
21. Brochure

EXHIBIT 1 (Continued)

GANTT CHART



The project was publicized through letters to all state vocational education directors as well as through telephone contact. A flier was prepared, entitled "Project MOA," describing the background, project activities and workshop dates, and listing Technical Advisory Group members, technical assistance consultants, and project staff. The flier was distributed in January to state vocational education directors, TAG members, and other interested persons.

Three meetings early in the project helped define the project direction. In early December the Project Director met with all model state vocational education directors, two of the technical assistance consultants, and two TAG members at the AVA Convention in Anaheim, CA. During these meetings, project objectives and tasks, preliminary technical assistance plans, and the use of the discretionary funds were discussed. A meeting was held December 17-18 at CRC in Belmont with all project staff, the Oregon and Georgia consultants, and Carol Jabonaski representing New York. The meeting participants critiqued the first draft of the MOA standards and, then, using a rough first draft of the Illinois MOA, assessed specific sections of the MOA to determine the extent to which they met CRC's standards. Participants identified areas in Illinois' MOA that needed clarification, and made suggestions for additions to the standards. The exercise provided feedback to Illinois and supported the use of the critique technique in the workshops.

On January 10 and 11, a TAG meeting was held in Washington, D.C. Seventeen persons attended, including TAG members, one consultant and CRC staff. Model state concerns were addressed, including: the lack of criteria for evaluation of state policies and procedures (Part III of the Memorandum), the lack of a specific definition of "subrecipient," requests for a later deadline for MOA submission, and the need for resources to implement the MOA. The use of a priority system in a desk audit to determine which subrecipients would receive on-site review vists was proposed. These issues were summarized by CRC staff and communicated to OCR with a request for resolution. Other activities included a review of the second draft of the standards and discussion of the workshop objectives and agenda.

The major products of the start-up phase were the State-of-the-Art Report and the Annotated Bibliography, which were the culmination of a thorough literature review. The search included computer searches of data bases such as ERIC, consultation of resource organizations and experts, and review of library materials. Key personnel in state departments of vocational education were contacted, as well as OCR Regional Directors and State Health and Social Services personnel who had completed MOAs. The State-of-the-Art Report was presented in three sections. The first discussed the legal framework--Title VI, Title IX, Section 504, Guidelines, and P.L. 94-482. The administrative and structural framework was explored in detail in the second section with discussions on organization, funding, evaluation, information systems,

technical assistance, and the functions of sex-equity coordinators. A final section described State MOA activity. The report and the Annotated Bibliography were designed to serve as resources for BOAE and states in MOA development and later compliance activity. The start-up activities, particularly the TAG meeting and State-of-The-Art Report, provided a foundation for all subsequent project tasks.

B. STANDARDS

1. Purpose

One of the major accomplishments of the project was the development and dissemination of Standards for MOA Content. The standards were an integral part of the project and were used in a variety of ways. The key purpose was to provide state level recipients with a uniform interpretation of the MOA requirements which would provide clear and concise guidance for developing their MOAs.

The draft standards were used by the four model states and Guam to ensure consistency of content while they were developing their MOAs, while maintaining flexibility in designing a civil rights compliance program. Statements of the requirements with accompanying commentary which provided guidance for organizing the civil rights compliance effort were included. The advisory material was designed to give the states suggestions for tailoring a civil rights compliance program which would both satisfy the federal government's requirements and result in a workable program.

The standards were also to form the basis for many of the workshop materials since they, and the experiences of the model states, were expected to provide guidance to the remaining states in developing their MOAs. Material from the standards was adapted into a checklist to permit the states to evaluate their efforts at the workshops.

2. Process of Development

Our criteria in developing the standards included the following:

- Consistency with Title VI, Title IX, and Section 504 as well as the Guidelines and the Memorandum of Procedures
- Flexibility to apply to various states
- Comprehensiveness to encourage exemplary rather than minimum MOAs
- Realistic and operational design to accommodate state staff time and cost limitations
- Based on input from relevant parties and experts

Work toward development of the standards began immediately upon award of the contract. The standards development team began by analyzing the Memorandum to determine what was required of each state agency. This first task proved to be more difficult than we had anticipated because key terms were not defined, and, more importantly, because mandatory requirements were not clearly identified as such. The statements in the Memorandum requiring further interpretation were brought to the attention of OCR and BOAE and in some cases were resolved. In other cases, we made decisions based on rules of reason, the overall goal of the Guidelines, and the civil rights regulations which form the basis of compliance.

The first draft of the standards was ready by November 30, 1979. A three-tiered structure was used in this draft. The Basic Elements described the content areas which had to be included in the MOA; the Discussion of the Basic Elements provided suggestions for enriching the presentation of the basic elements by describing the required level of detail to be provided in the MOA; and the Considerations contained material which MOA developers were urged to consider as they planned and prepared their MOAs.

While the first draft of the standards was being prepared, the liaison staff members made their initial visits to the model states. We found that the model states were having the same difficulty we had had in understanding what was required by the Memorandum. It was also clear that the states were unsure how to design and implement a civil rights compliance program. Thus, we confirmed that the approach we were taking in designing the standards would be useful to the states.

During the meeting on December 17 and 18, discussed above, staff and consultants analyzed the draft standards in depth. While all felt that the standards were useful, it was decided to expand them to include suggestions for writing the MOA, as well as suggestions for ways to design the civil rights compliance program. In addition, we developed a set of definitions and interpretations which we all agreed to use so there would be consistency among the model states.

The draft standards were distributed to the model states and Guam for review and use. The Project Officer, other BOAE staff also reviewed the initial draft of the standards. These comments assisted the staff in further refining the standards.

The standards document went through numerous drafts before it was distributed to all states prior to the workshops. Several of these drafts were reviewed by the consultants and by the Technical Advisory Group. Final revisions of the standards were made following the workshops and submitted to BOAE as part of the revised training materials package.

C. TECHNICAL ASSISTANCE TO MODEL STATES

One of the major objectives of this project was to provide technical asssistance to personnel in the four model states and Guam in development of their MOAs which were then used in the workshops to assist the other states in completion of their MOAs. We began the technical assistance effort by identifying technical assistance consultants and organizing the discretionary funds disbursement process. The staff assigned as liaisons to work intensively with each of the models were:

Georgia - Gregory Bartlett
Guam - Kristina Engstrom
Illinois - Hara Ann Bouganim
New York - Gregory Bartlett
Oregon - Maria Nossaides

The technical assistance provided by CRC liaisons was designed to meet specific state concerns. However, early in the project, certain common concerns surfaced that required our attention as a total staff. We assisted the model states deal with organizational questions (e.g., should a separate compliance unit be established or should compliance be integrated into the existing program review process?), substantive questions (concerning the breadth of compliance activities required. and definitions of terms such as "state-operated programs" and "compliance problems"); and policy questions (e.g., who would review the MOAs in BOAE and OCR, and by what criteria?). It also became apparent that Guam (and other unusual "states") would experience difficulty in meeting the requirements because of their size, unique organization, and population characteristics. Special assistance was needed by these states in interpreting and fulfilling their MOA requirements.

Other activities of CRC liaisons included:

- Meeting with state representatives to assess needs
- Conducting on-site training sessions, covering historical and substantive background of the MOA
- Providing documents, including the regulations, guidelines, MOA development tasks prepared by CRC
- Relaying information on other states' activities
- After consultation with BOAE and OCR officials, providing legal interpretations to specific questions

- Developing materials relating to policy review
- Assisting in the development of plans for implementation
- Reviewing draft MOA documents, providing detailed revision suggestions

In addition to the CRC liaisons, other human resources were made available to the model states. These resources included consultants hired directly by CRC to work with individual states, consultants hired by the states with their discretionary funds, and TAG members. Their activities with the model states included:

- Meeting and working with state staff on MOA organizational issues
- Providing resources
- Consulting with MOA development personnel in other states
- Conducting training sessions
- Conducting research on affirmative action
- Constructing instruments for use in desk audits
- Developing criteria for selection of subrecipients for review
- Developing criteria for enforcement processes
- Outlining, writing, reviewing, and revising portions of the states' MOAs

After the model MOAs were submitted to CRC in late January for use in the workshops, technical assistance to the model states continued on request. Assistance to Georgia included further clarification of criteria for policy and procedure review, consultation on their desk audit trial run, and advice on training staff in civil rights. Comments on the Georgia MOA, Part Three, which was critiqued in the workshops, were collected and relayed to Georgia MOA developers. Later drafts of their MOA were reviewed and written comments offered. Assistance to Guam included detailed review of Guam's draft MOA and suggestions for improvement. Assistance to Illinois was extensive. Their third draft MOA was reviewed following the workshops and written comments submitted. Advice in the training design was given for state staff training sessions. Materials, including fifty copies each of the Guidelines and CRC standards, lecture notes, and other reference materials, were disseminated. A draft "probe" instrument for desk audit/on-site compliance activities was critiqued by CRC staff. In the last month of the contract, we designed and conducted an MOA workshop for Illinois vocational education staff in Springfield, Illinois. Technical assistance provided to New York consisted mainly of reviews of their MOA and the exchange of civil rights program implementation materials and ideas.

D. WORKSHOP DESIGN AND MATERIALS DEVELOPMENT

Early stages of workshop design coincided with the standards development and delivery of technical assistance to model states. By mid-December, a draft workshop plan had been prepared which reflected our experience with the model states. The plan specified workshop objectives which were based on the project objectives discussed in the introduction. The workshop objectives were:

- To become familiar with the Memorandum, Guidelines, and regulations
- To understand the MOA as a state agency civil rights planning tool
- To analyze the basic elements of the five MOA parts using CRC's standards as a basis
- To evaluate each state's MOA against the Memorandum requirements and model states' MOAs
- To identify additions and alterations to each state's MOA and plan remedial action
- To share the range of experiences and solutions of other states

The training plan also described CRC's approach to workshop activities and laid out an initial agenda and trainer assignments. The first activity was an introductory presentation on the workshop objectives and materials, the historical background of civil rights, and the Guidelines and relevant regulations. Model MOA activity and the CRC standards were then presented, with participants examining each of the five MOA parts specified in the Memorandum. They received a brief lecture on each part, followed by review of their own MOAs in small groups, noting changes or areas needing work. Parts Three and Four were allotted more time because of their complexity and importance.

Following review by the Project Officer and again after the first workshop in the Eastern Branch, the design was modified, although the objectives remained unchanged. A social hour was added on the evening prior to each workshop, to simplify registration and to obtain information on participant MOA status and workshop expectations. Other changes made in the workshop plan included the following:

- Introductory remarks were shortened, and a brief report on MOA status of participating states added.
- A stronger introduction to the regulations and Guidelines and CRC standards was added.

- Presentations on model states would be made by model state representatives or CRC liaisons.

- Less time would be devoted to Parts One and Two, and participants would critique each other's draft Part Two.

- Part Three would be proceeded by activities focusing on discriminatory effect. Participants would critique Georgia's Part III to determine whether it met the requirements.

- Part Four received more definition, with separate activities relating to desk audits, on-site procedures, technical assistance, and voluntary compliance procedures. The time for Part Four was increased from two to three hours.

- Part Five was shortened, and an activity designed to present common MOA development problems with proposed solutions was added.

As the workshop design evolved, training materials were identified and developed. Again, the process was one of draft, revision based on review by the Project Officer and others, and final production. As compared to modifications in the agenda, only minor changes could be made in materials once the workshops began since there was little time between each workshop to develop or revise materials. We found, however, that there was no need to prepare new materials since they were sound and workable.

Training materials were practical and succinct working documents. The majority of materials were designed for use both at and after the workshops. For convenience, all were contained in participant notebooks except the Bibliography and the State-of-the-Art Report which were disseminated under separate cover. The materials are summarized in Exhibit 2 which follows.

EXHIBIT 2

WORKSHOP MATERIALS

Title	Description	Use
Title Page, Table of Contents		
Introduction		
Agenda		
MODULE 1 Milestones leading to the Issuance of the Memorandum of Procedures	Key judicial, legislative, and administrative events (table)	Historical context for vocational education civil rights activity
The Regulations--Key Questions	Five questions for examining any civil rights question	Framework for analysis of the three regulations
Summary of the Title VI Regulations	Summary of the structure and major provisions	Facilitate use of the Title VI regulations
Title VI--Nondiscrimination in Federally-Assisted Programs	The regulations	Reference
Summary of the Title IX Regulations	Summary of the structure and major provisions	Facilitate use of the Title IX regulations
Title IX--Nondiscrimination on Basis of Sex	The regulations	Reference
Summary of the Section 504 Regulations	Summary of the structure and major provisions	Facilitate use of the Section 504 regulations
Section 504--Nondiscrimination on Basis of Handicap	The regulations	Reference
The OCR Guidelines	The Guidelines	Reference
The Joint Memorandum of Procedures	The Memorandum	Reference
MODULE 2 MOA Analysis Checklist--Part One	Checklist, containing Part One requirements	Use at workshop to note whether our MOA meets requirements

MOA Analysis Checklist--Part Two	Checklist, containing Part Two requirements	Use of workshops to check another participant's MOA, as a basis for discussion, then trade, and use critique of MOA as basis for modification after workshop
MODULE 3 Theories of Discrimination: How to Review Policies and Procedures	Defines "unlawful discrimination" in terms of "disparate treatment" and "disproprotionate impact" and give examples of discriminatory policies.	Background information for introduction to Part Three contents (Guidelines II-A responsibilities), and for reference after workshops.
MOA Analysis Checklist--Part Three	Checklist, containing Part Three requirements	Participants use to check MOA; an additional copy to check Georgia's MOA, Part Three, and to form the basis of discussion of its adequacy
MODULE 4 Vocational Education System Characteristics	Four tables compare the five model states in terms of their state vocational agency administrative structures, provision for agency interaction, types of institutions, and types of program settings.	Contextual information for the five "model" MOAs, to help states judge which model(s) most closely resemble their system
MODULE 5 MOA Analysis Checklist--Part Four	Four checklists, containing requirements of agency-level reviews (desk audits), on-site reviews, voluntary compliance, and technical assistance	Agency-level and on-site checklists--use of workshop to check MOA and discuss probelms and solutions; voluntary compliance and technical assistance checklists--use after workshop to plan MOA changes.
Data Analysis Form for Agency Level Review	Grid to lay out data sources, information drawn, analysis, and indicators	Chart to be filled out after workshop for planning desk audits
Technical Assistance Case Studies	Six mini-cases present problems for which technical assistance might be appropriate	Use as basis for brainstorming solutions to specific technical assistance problems; use after workshops to train state staff concerning technical assistance
Part IV Questions	Thirteen questions relating to interrelationship of Part Four tasks and possible problem areas	Use in summarizing Part Four; use after workshop in identifying problems in compliance program design.

MODULE 6 MOA Analysis Checklist--Part Five	Checklist, containing Part Five requirements	Use of workshop to check for completeness of MOA, Part Five
MODULE 7 Action Planning Form	Form to lay out objective(s), activities, resources, inhibitors (as, lack of staff time, lack of expertise), timelines, evidence of completion, and evaluation	Start at workshop, complete afterwards with full MOA team, to plan for completion of MOA
MOA Standards	CRC-developed document, listing requirements and recommendations for MOAs and SEA civil rights compliance activities, plus key procedural requirements of the three regulations	Reference
Model MOAs	Draft documents prepared by Georgia, Guam, Illinois, New York, and Oregon	Use at and after workshops as examples of solutions to MOA problems
State-of-the-Art Report	Civil rights in education and vocational education response to date.	Reference
Annotated Bibliography	Bibliography on civil rights presented in terms of the protected classes.	Reference

E. THE FIVE WORKSHOPS

The March 21, 1980 deadline for submission of MOAs made it imperative to deliver the workshops as soon as possible after receipt of the model MOAs. The schedule, set early in the project, was as follows:

Eastern Branch - New York City - February 14-15
Southern Branch - Atlanta - February 20-21
Central Branch - Chicago - February 25-26
Western Branch - Portland - February 28-29
Pacific Territories - Agana, Guam - March 6-7

1. Preparation. The logistical activities included hotel selection, arrangements for staff, registration, training of trainers, preparation of materials and supplies, reimbursement of participants, and billing. A physical accessibility checklist was used to insure accessibility for handicapped participants in hotels that met the workshop needs within budget. Rooms were reserved for staff, with a block of rooms held for participants (including some wheelchair-accessible rooms). Formal contracts were drawn up with each hotel.

The registration process consisted of a sending a letter to each state director of vocational education describing the training and inviting him or her to send two or more persons. (The expenses of two participants from each state would be paid for under the contract.) The state director distributed the registration forms enclosed with the letter to appropriate members of his or her staff who then responded directly to CRC. The form included information on the workshops and on materials participants should bring with them. It also requested information on special needs and a brief participant profile (knowledge and experience in civil rights, role in MOA development, and MOA status). CRC staff regularly scanned the registrations for special needs we could address (e.g., interpreters), but none were noted. The number of registrants were tallied by state and MOA status. States that had not responded by two weeks prior to "their" workshop and states that had provided conflicting or unclear information were called to clarify participation and answer questions. Participant lists were drawn up and distributed to staff before each workshop.

Training of trainers was conducted on February 6-8 at CRC Education and Human Development for all project staff. The three-day session focused on each workshop activity, its objective(s), method of delivery, and ways to deal with questions or problems that might occur.

2. Workshop Participants. Workshop participation was broad as shown in the following table (Exhibit 3), with 48 states (all except Kentucky and Rhode Island) and five outlying areas (all except the Virgin Islands and Commonwealth of the Northern Marianas) represented. Except for the model states which sent more participants, most states (28) sent two representatives, twelve sent one, and ten sent three. Office of Education Regional staff, as well as BOAE and OCR staff also participated in mainland workshops. (See the appendix for a list of participants.)

EXHIBIT 3

Workshop Participants,

By State and Agency

			TOTALS			
			State	OE	BOAE	OCR
EASTERN BRANCH	CN-2 DC-2 DE-2 GA-2 ME-2 MD-3 MA-2 NJ-2	NH-2 NY-3 NC-2 PA-2 PR-2 VT-1 WV-2 BOAE-2	31	0	2	0
SOUTHERN BRANCH	AL-3 AK-2 FL-6 GA-5 LA-1 MS-4 NM-1 OK-2	SC-3 TN-2 TX-3 VA-2 OCR Region IV-2 OCR Region VI-1 OE Region IV-2 OE Region VI-1	34	3	0	3
CENTRAL BRANCH	IL-9 IN-1 IA-3 KS-2 MI-1 MN-3 MO-2	NB-2 ND-1 OH-2 SD-2 WS-3 OCR Region VII-3	31	0	0	3
WESTERN BRANCH	AL-1 AZ-2 CA-2 CO-2 HA-3 ID-2 MT-2	OR-2 NV-1 UT-1 WA-3 WY-2 BOAE-1 OCR Region IX-1	23	0	1	1
PACIFIC TERRITORIES	American Samoa-1 Guam-4 Micronesian Occupational College-2 Trust Territories-1		8	0	0	0

We learned from the registration forms that most participants (87 of the 11 forms received) were involved in developing their state's MOA. Their current positions varied widely: 13 identified themselves as associated with equal vocational opportunity, seven with sex equity, and three with special needs. Other common titles related to planning (11), state directors (6), and consultants (7). Most others held administrative or program supervising positions. Most participants indicated they had limited civil rights experience.

3. Workshop Agenda. While the training varied somewhat from workshop to workshop, the same agenda was followed for the Southern, Central, and Western workshops. A copy of the agenda follows, as Exhibit 4. The agenda was followed most closely in the Southern, Central, and Western workshops, since in may ways the Eastern Branch workshop (held in New York) was really a pilot workshop and Guam was unique.

Eastern Branch: Most notable about the Eastern Branch workshop was the high level of state frustration and anger with the MOA development process. It first surfaced in numerous policy questions during the introductory reconciliation of workshop objectives and participant concerns. A CRC staff attorney introduced the standards, after which the model states' experiences were presented. Because of the high level of interest in discussing New York's MOA with its developers, the other model states' MOAs were not presented until after lunch. The rest of the day's activities, including small groups focusing on Parts One, Two, and Three, proceeded as planned but with shortened timeframes. Intense questioning during the theories of discrimination presentation indicated that participants found the concepts novel and possibly confusing.

On the second day, the agenda was followed as scheduled. The problem identification and solution brainstorming exercise was particularly active, with participants from the three small groups reporting results to the entire group. Since by that point, a number of participants had left, trainers felt that there would be little enthusiasm for the action-planning exercise, so a summary of the workshop was presented. Because there was no formal evaluation, participants were asked to let trainers know their reactions to the workshop in an informal manner.

After the New York workshop, trainers instituted several agenda changes for subsequent workshops. They were designed to:

- Reduce state antagonism by clarifying policy issues at the beginning of the workshop
- Integrate the model state participants more directly into the activities
- Review each state's MOA earlier in the workshop
- Allow more time for participant interaction
- Hand out blank sheets of paper in lieu of an evaluation instrument to be sure that we obtained written feedback from participants.

The resulting agenda is shown in Exhibit 4 following.

EXHIBIT 4

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

MOA DEVELOPMENT WORKSHOP

AGENDA

EVENING PRIOR

7:00 - 9:00	Registration, Social Hour

DAY 1

8:30 - 9:00 AM	Late Registration
9:00 - 9:45	Introduction

Module 1: History and Background

9:45 - 10:30	History and Background
10:30 - 10:45	Coffee Break

Module 2: MOA Analysis

10:45 - 12:00	Parts I and II
12:00 - 1:15	Lunch

Module 3: MOA Analysis

1:15 - 1:45	Review of States' II-A Responsibilities
1:45 - 3:00	MOA Analysis Part III
3:00 - 3:15	Cold Drink Break

Module 4: Parts I-III, Summary

3:15 - 4:00	The Model States: Parts I-III
4:00 - 4:45	Question and Answer Session
4:45 - 5:00	Summary of Day's Activities

EXHIBIT 4 (Continued)

DAY 2

Module 5: MOA Analysis	
9:00 - 9:15	Introduction
9:15 - 10:00	Review of States' II-B Responsibilities
10:00 - 10:30	MOA Analysis: Part IV, Agency-Level
10:30 - 10:45	Coffee Break
10:45 - 11:15	MOA Analysis: Part IV, On-Site Reveiws
11:15 - 11:30	Review Voluntary Compliance Plan Requirements
11:30 - 12:00	Introduction to Technical Assistance
12:00 - 1:15	Lunch
1:15 - 1:45	MOA Analysis: Part IV, Technical Assistance
1:45 - 2:30	The Model States: Part IV, Question and Answer Session
Module 6: MOA Analysis	
2:30 - 2:45	Part V
2:45 - 3:00	Cold Drink Break
Module 7: Problem Solving	
3:00 - 4:15	Problem Identification and Problem Solving
4:15 - 4:30	Summary of Workshop

Southern Branch: This workshop had the largest number of participants, with notably wide-ranging skills and civil rights knowledge and a corresponding range of work done on their MOAs. The large number of sex equity coordinators present shared their expertise in Title IX. The present of a TAG member and OCR and OE regional staff was also helpful.

All activities were conducted successfully, although the "small groups" were larger than planned. Group interaction was strong, with more experienced participants helping the less experienced. States compared their MOAs with other states' and incorporated the strong points.

Policy questions continued to surface. Participants were concerned about identifying discriminatory policies and practices in funding, since funding is already heavily regulated. They also wanted to have clarification on "musts" versus "shoulds" in the Memorandum. They inquired about BOAE's and OCR's role (for example, who would review the MOA), and wanted to know why federal BOAE and OCR staff were not present. Concerns were aired in a positive manner, and we think the participants left with greater knowledge and enthusiasm for the MOA development task.

Central Branch: By the third workshop, the trainers had experience with the design, and the agenda had been refined. Participants responded to the introductory presentations with interest and questions about "equal access" and "finding subrecipients in noncompliance." They reacted positively to the Part Three presentation which was characterized as, "putting your own house in order first before tackling subrecipients."

Activities in the small groups engendered much discussion. The presentation on the first three parts of the "model" MOAs ended with an Illinois representative describing and answering questions on the Illinois MOA. The presence of nine Illinois participants, including the state director, set an example of full administrative support for civil rights implementation. Questions following the presentation of the models included the issue of reviewing policies and procedures before MOAs were fully approved.

Discussion the second morning began with definition of a "state-operated program," and an explanation of OCR's position on employment coverage under Title IX in light of recent court decisions. Discussion about Part Four was again intense, with questions being raised about the appropriate percentage of variance to signal disproportionate enrollment. Minnesota participants explained how their civil rights desk audits trigger on-site visits. They also explained how they avoid the "fishing expedition" image by notifying subrecipients of areas of inquiry and by preparing interviews in advance which generated a discussion about the conduct of on-site investigations. The presentation of Part Four of the model MOAs followed naturally. After a discussion of the concerns for on-site review planning, and a few general questions, the workshop ended on a serious but optimistic note. Participants felt that they were more knowledgeable and more aware of the extent of the civil rights compliance program they were designing.

Western Branch: The western workshop was the smallest of the mainland workshops, with twenty-five participants. Participants had little experience with civil rights prior to working on the MOA, except for the sex equity coordinators who were familiar with Title IX. All participants were aware of their lack of substantive background and were eager for instruction, although some frustration was initially expressed about the late date of the workshop. The workshop ended successfully, although participants did express frustration at the lack of definitive answers to many of their questions relating to policy issues.

Pacific Territories: The Guam workshop was unique in many respects, not the least of which was the attendance of three directors of vocational education, from American Samoa, Guam, and the Trust Territories of the Pacific. The eight participants also included two persons from the Micronesian Community College and three Guam staff members. Because of the high level of expertise of participants, the workshop operated from a strong knowledge base concerning vocational education programs in each territory.

Because of the small number of participants, the two trainers proceeded informally. Questions of participants about why vocational education seemed to be singled out by OCR to implement a civil rights compliance program led naturally to the historical background and explanation of the regulations and Guidelines. Formal presentations were replaced with discussion and an examination and critique of Guam's MOA, using the checklists. There was consensus that programs operated by the territories were state-operated programs and, as such, would not have to be treated like recipients in terms of desk audits, on-site reviews, and the like. On the second day, participants critiqued a draft of the American Samoa MOA.

Agency personnel in the outlying areas are repeatedly faced with federal government guidelines designed for the mainland, which have to be adapted to their situations. The Memorandum was no exception, although participants did appreciate BOAE's consideration of their needs in choosing Guam as a model and by providing the workshop in Guam, an unusual event. This helped reduce their feeling of isolation and, we hope, helped focus their civil rights compliance efforts on their unique situations.

F. POST-WORKSHOP ACTIVITIES

After the workshops were completed in early March, numerous project activities continued. These included:

- Further contacts with model states
- Production and distribution of a brochure
- Further contacts with the other states

- Revision of training materials
- Final TAG meeting
- Preparation of final report

The most important feature of these activities was the continuing contact with the states and with BOAE and OCR. Clearly, the MOA development project helped reach a major government goal with the submission of the draft MOAs to BOAE, but it was only the first step in development of state compliance programs which requires continuing support and encouragement to operate effectively.

Further contacts with the model states were described in detail above. Both CRC staff and consultants have assisted in the development of oversight documents, review of MOA drafts, and in continuing discussion of policy and questions of internal organization. Disbursement of discretionary funds continued, for example, funds were set aside for New York to support the design of civil rights staff training. Materials and advice were provided to Illinois relative to a staff training workshop, and CRC staff participated as co-trainers in the delivery of the workshop.

Another postworkshop effort was to modify and update the original flier to create a brochure describing the project's accomplishments and offering additional assistance. The assistance included making available copies of all project materials (the training package, standards, state-of-the-art report and annotated bibliography) and the services of CRC staff in reviewing and assisting with modifications of MOAs, review of other state-developed compliance materials, and research on civil rights issues. The brochure was distributed to state vocational education agencies and OCR Regional Offices. The goal of this technical assistance was to help the states in the further development of their MOAs and the compliance program described in the MOA.

As we have noted throughout this report, CRC maintained contact with other state officials, in addition to the model states, during the course of the project. After the workshops in February and early March, we continued to receive calls for advice on and assistance with designing and developing strategies in response to the Memorandum requirements. We had expected to concentrate our assistance efforts on modifying MOAs in response to BOAE and OCR feedback to the states, but did not do so to the extent planned because the federal review process was not completed by the end of our project. Some states chose to postpone any MOA modification or refinement activities, not to mention implementation of their civil rights programs, until they had received feedback from both BOAE and OCR. Many states, however, decided to initiate their programs without federal approval. With these states we were able to respond to a variety of requests for help, including:

- Dissemination of CRC materials such as the MOA training package

- Dissemination of materials developed by others, both state and federal resources
- Design of training programs for state and local officials
- Review of materials developed by states to supplement or refine the plans described in their MOAs
- Design of desk audit procedures

After the workshop, we revised the MOA workshop materials based on feedback from the workshop participants, federal government officials, and on our own assessment of the need for revision. New sources were added to the Bibliography. The State-of-the-Art Report was updated to reflect state vocational agency activity after January 16, when the report was completed the first time. The CRC standards were revised in response to comments and criticisms received at the workshops, from OCR, and from the model states.

In order to ensure that recommendations to be presented in the final report were fully representative of the priorities of state agencies and TAG members, a final TAG meeting was held in mid-June in Washington, D.C. Twenty-eight persons attended--eight from model states, three other TAG members, two consultants, four BOAE representatives, and five CRC staff.

In preparation for the meeting, an informal telephone survey of workshop participants from non-model states was conducted. Participants from thirty-two states responded to open-ended questions regarding:

- Activities undertaken since MOA submission in March
- Assistance most helpful so far in meeting civil rights obligations
- Activities to be accomplished by July
- Activities to be accomplished by October
- Greatest obstacles in implementing civil rights
- Assistance needed to overcome these and other problems
- Recommendations to OCR and/or BOAE

The results of all questions were tallied and presented at the TAG meeting as a basis for discussion. By the end of the meeting the Technical Advisory Group had developed a series of recommendations which form the basis of CRC Education and Human Development, Inc.'s recommendations presented in Chapter IV.

III. PROJECT ACCOMPLISHMENTS: CONCLUSIONS

This section assesses the strengths and weaknesses of each project activity or product. Recommendations for future efforts, in part based on this section, appear in Chapter IV.

A variety of informal methods were used to collect evaluative information. Staff met frequently to evaluate activities and products. Comments on the workshops and on deliverable products from the Project Officer and TAG members were examined, and extensive feedback was collected from the model states, during on-site visits, calls, or by mail. Representatives of the five models were also interviewed at length concerning the TA provided them under the contract.

Although these informal evaluation methods were valuable, formal evaluation of workshops is very important in refining training design and materials to most effectively meet workshop objectives. Regretably, because there was insufficient time in this project to obtain FEDAC clearance, for a formal evaluation instrument, none was prepared. Following the Eastern Branch workshop, we decided that we must obtain written feedback, since oral feedback was difficult to put in perspective, to assess, and to remember accurately. For the other three branches, a sheet was distributed, and participants were asked to help us evaluate the effectiveness of the workshops. The responses to this open-ended form were wide ranging and thorough, enabling us to evaluate participant response. The sixty-two forms received represented 63% of participants (46% Southern, 74% Central, and 76% Western). The Guam workshop was so small that oral comments were deemed sufficient to evaluate its effectiveness.

A. PROJECT ACTIVITIES AND PRODUCTS

Based on the sources listed above, project activities and products were evaluated according to the following four categories:

- Project management and logistics
- Technical assistance delivery
- Products (flier, state-of-the-art report, annotated bibliography, standards, workshop materials, brochure)
- Delivery of the five workshops

This section presents the results of our evaluation and is followed by an examination of results in terms of meeting project objectives.

1. Project Management and Logistics. Effectiveness of management and logistics planning can be judged in terms of results. During the first month of the project, the project abstract and baseline management

plan, the draft flier, and the draft standards were completed; communication was established with all the model states; and TAG members and consultants nominated. By December 31, 1979, the end of the second month, the draft bibliography, draft state-of-the-art report, draft training plan, and draft training materials were completed; the flier was printed; and on-site visits had been made to all the model states, except New York (which we consulted with in Washington, D.C. at their request). We had agreed with the Project Officer that the model MOAs could not be a formal contract deliverable since they were being developed by the states and not by CRC.

In January, we again completed an extensive amount of work and submitted six products (final state-of-the-art report, final bibliography, final training plan, final training materials, and final standards) on schedule. We also submitted copies of the model states' MOAs to the Project Officer as we received them, the last one, New York's, on February 14 at the beginning of the Eastern Branch workshop.

Logistics included arrangements with hotels, the registration process, and production of workshop materials. Arrangements with the four mainland hotels were completed by mid-December and finalized with contracts. Guam Community College graciously made workshop arrangements for us at the Guam Continental for the Pacific Territories workshop. In general, the accommodations were judged adequate by both participants and staff. Inadequate space in the southern and central workshops was the result of greater participation than estimated.

The registration process began with letters to the state directors early in the project, giving workshop locations and dates. Registration forms were distributed early in January through state directors. Their prompt return meant participant lists could be assembed and participant MOA status reassessed prior to each workshop. The system proved both efficient and effective.

Our exemplary record of completing project tasks and products of high quality was maintained throughout the project.

2. Technical Assistance Delivery. The technical assistance was comprehensive and complex, varying significantly, depending on the needs of the model states and, later, other states. In evaluating its effect, relative to the model states, we examined the usefulness of each form of technical assistance: assistance from CRC "liaisons," materials provided, CRC consultant efforts, and utilization of discretionary funds. In our evaluation interviews with the model states, these topics were examined separately. General comments on the overall problems and benefits of the technical assistance were sought, as were recommendations (the recommendations are summarized in Chapter IV).

All model states found the liaison system beneficial; one considered it the major strength of the project. State representatives agreed that our visits were particularly useful in accelerating MOA development efforts. Guam, which was not visited by the CRC liaison until the workshop, would have liked a "liaison on-site that could speak on behalf of BOAE." Of course, no liaison could serve that role. All liaisons provided policy information where available and opinions on MOA decisions. The states appreciated our suggestions for what we felt would be considerd an acceptable MOA by OCR and our provision of information that was honest and non-interpretative.

The liaisons, in conjunction with other CRC staff, also reviewed successive MOA drafts and other state-developed documents. State comments varied on these reviews, ranging from "not particularly helpful" to "excellent." Part of the problem was timing (the review of Georgia's MOA after the workshop was "late, but we gained from it") and mail delays (Oregon). Guam was pleased with the feedback received and felt the advice given was holding up in its accuracy as time went by.

The background materials we provided, such as copies of regulations or documents developed by other states, were judged useful in getting the states started, and of general use in preparation of MOAs, and in implementation. An analysis of the tasks involved in writing an MOA developed by Goergia was considered helpful. The CRC standards, which we shared with the models in successive draft forms, were useful. Georgia commented that the standards were very good and is using them now in developing an on-site review checklist. Guam praised them as "CRC translations of Federalese" and for providing badly needed depth. Illinois said the standards were "obviously very helpful" and "responsive to state needs" and suggested the inclusion of more examples. Oregon was uncertain whether the standards were "mandates or CRC's analysis," but they "raised issues we would not have thought of otherwise."

Three states used CRC consultants: Georgia, Guam, and Oregon. Ideally, they felt they would get the most assistance from a person knowledgeable about both civil rights and their own state vocational education agency operations. Illinois felt that the consultants offered by CRC were not highly knowledgeable in either area and decided early in the project not to use them, with our concurrence. Georgia, Guam, and Oregon all felt the consultants had been helpful in different aspects of MOA developments. The states' recommendations on improving the use of consultants are reported in Chapter IV.

Since states used the discretionary funds in widely varying ways, the evaluation of each is best presented separately. Georgia used the funds to hire two consultants, one early in the project to review initial efforts and one later to codify policies for the Part Three policy review task. They also purchased support services (typing, editing) and travel to consult with other states. They commented: "without the funds, there could not have been the detail of policies in the MOA, there would have been a real burden on state staff, and the MOA would

have been delayed." The discretionary funds were seen as serving a valuable staff development, as well as a MOA development, function. Illinois used the funds for travel to consult with other states, to pay for sending documents for CRC review, and to hire two consultants to research, develop, and revise sections of the MOA. They consider the "flexibility (of the funds) the key" to efficient MOA development, since they allowed contracting out of functions hard to purchase with state funds, thus extending state resources. Oregon hired a consultant to help draft the MOA and research data sources and related issues and used the remaining funds for staff civil rights training. New York also used its funds to subcontract for the development of staff civil rights training materials. Guam did not use its discretionary funds.

The general comments we received indicate that the decision to assist states in the ways described above was a good one:

> "Planning that went into the MOA has allowed us to handle problems on the basis of resolution rather than crisis. In general, a major plan was put into effect with minimal cost to the agency."
>
> "Indispensable - the third party, impartial, fresh viewpoint could organize our ideas, tell us what we would overlook...no overall problems."
>
> "Very useful type of design. At the state level we need some guidance that takes into consideration the needs for particular states. Assistance and design of the whole project was very sound. It did the most it could in that time. Our state is not geared up to design a system in less than eight months, thus assistance was late but helpful."

Model states suggested numerous recommendations for refining the use of models in the future. All, however, felt that there had been major benefits and that the use of models is basically a good approach.

3. Project Products. For a training and technical assistance project such as this, we feel that the number of products required was unnecessarily large. That most of them were required prior to the workshops effectively cut the development time to three months. We will suggest, in the recommendations chapter, that BOAE reassess the need for so many products in this type of project in the future. Here, we evaluate the products on their own terms.

The state-of-the-art report and annotated bibliography were distributed in a separate binder at the workshops. Participants reported that they have proved useful as background material for staff training and in mobilizing resources for implementation.

The flier was distributed in January; as an announcement of the project and workshops, it came too late since we had been communicating with the target audience since November and it served no useful function.

As previously reported, the CRC standards were used in draft by the model states and sent to the other states early in February, immediately following BOAE and OCR review. Evaluation by the model states were highly favorable. Participants from non-model states have also praised the standards as "allowing easy access to major points," both in preparation of their MOAs and in later implementation planning.

The model MOAs were distributed, explained, and used at the workshops. Workshop participants assessed the model MOAs as "of enormous help to states that had not yet developed a MOA," and, "useful in seeing variations in approaches to problems." They were helpful for comparing participants' MOAs with other states. We believe that the models were good and served their purpose but, obviously, could have been improved with time.

The project brochure was distributed early in June. Although the brochures stimulated some requests for technical assistance, we believe that it might have been more effective as an announcement of available assistance if it had been disseminated earlier.

4. Five Workshops. In this section, the workshops are evaluated in terms of participant and training staff reactions to them. Although informal methods may have been adequate for evaluating most project activities, they were not adequate for evaluating the workshops. Because there was insufficient time in this project to obtain FEDAC clearance for a formal evaluation instrument, none was prepared. Following the Eastern Branch workshop, however, we decided that we must obtain written feedback, since oral feedback was difficult to put in perspective, to assess, and to remember accurately. For the other three branches, a sheet was distributed, and participants were asked to help us evaluate the effectiveness of the workshops. The responses to this open-ended form were wide ranging and thorough, enabling us to evaluate participant response. The sixty-two forms received represented 63% of participants (46% Southern, 74% Central and 76% Western). The Guam workshop was so small that oral comments were deemed sufficient to evaluate its effectiveness.

Nineteen people commented on the workshop agenda. For example, Portland participants commented on the "stimulating and productive program (that) moved at a rapid pace" and said the schedule was "appropriate and flexible enough to accommodate our needs and accomplish goals." There were no comments that the agenda was inappropriate or that activities should be eliminated. Many comments stressed the benefits of exchange of views and increased participation in the small groups.

Training delivery was addressed by participants in all workshops. Portland participants were lavish in their praise of the training staff: "CRC staff presentations were informative, concise, interesting," "consistent, passionate expression of commitment to civil rights."

Atlanta participant reactions were positive as well: "presenters were well-organized and dedicated." Some Chicago attendees had reservations about the presentations: "Well prepared, but sometimes had problems with questions, due to lack of specific answers (not individuals' fault); need for BOAE/OCR representatives." Guam participants were pleased with the training delivery which was tailored to their unique needs.

Participants commented on the content of the workshops as well. Some were totally positive; others requested in-depth training on the civil rights regulations. Most participants were task-oriented, wanting to leave the workshop with an acceptable MOA; and the workshop focus on the MOA was highly satisfactory to them.

Forty-two persons made general comments concerning the workshops. These were overwhelmingly positive. (Some concerns, particularly relating to OCR, BOAE, and state agency interrelationships and the deadlines for submission of the MOAs and annual reports were also expressed. They will be discussed in Chapter IV.) The comments included:

- "This was an excellent workshop, very well coordinated and facilitated. I feel our state has the framework for completing its MOA."
- "One of the best organized and presented workshops I have attended."
- "Had an important impact on participants' willingness to take civil rights enforcement seriously."

We agreed with the majority of the participants that the workshops were successful. While we sympathized with participant frustrations resulting from their lack of civil rights expertise, the need for policy clarification, and tight timelines, we dealt with these as problems that could be overcome and oriented all the workshop activities to the immediate task of developing workable and approvable MOAs. In this regard, BOAE's sponsorship of this project has been highly successful.

B. PROJECT RESULTS AND PROJECT OBJECTIVES

In the previous section, the success of the project was assessed in terms of management, technical assistance, products, and the workshops, according to model state, workshop participant, and staff judgments. In a broader sense, the key evaluative queston is: Did the project meet its objectives? The seven objectives which were set out in Chapter I are discussed here.

Objective a. To help states develop MOAs that meet the Memorandum requirements.

In the late fall and early winter of this past year, the primary concern of state agencies was to complete an acceptable MOA by the March 21 deadline. In spite of the late scheduling of the workshops that were intended to help states meet this challenge, states (52 out of 56 at the latest count) did complete their MOAs and submitted them on time. Many states have reported to us that their MOAs have met with BOAE approval with few minor changes: a few reported approval with no changes or clarification required. In mid-June, 17 MOAs were in the process of revision to meet BOAE approval, and 35 MOAs had been approved and forwarded to OCR central office for distribution to OCR reviewers in the regional offices. This is a record of substantial success in development of "approvable MOAs"; however, the best judges of acceptability are the reviewers of MOAs at BOAE and OCR. Their assessment of MOA adequacy, far beyond the scope of this evaluation, is of course the ultimate test.

Objective b. To provide states with adequate information on the Title VI, Title IX, and Section 504 Regulations and the Guidelines to Produce Workable MOAs.

With the primary focus on the workshop on completion of the MOA, documents most used were the Memorandum, CRC standards, and the checklists derived from them. The regulations and Guidelines were included in the workshop materials, but extensive training in their requirements could not be delivered. Enough information was given to help participants recognize the basic concepts of regulations and Guidelines, and additional training in the regulations was provided at the OCR Guidelines Implementation workshops.

Objective c. To help states develop realistic and workable MOAs that reflect state structures and resources

The assistance to model states, the CRC standards and workshop activities stressed not only the "musts" but also the choice-points built into the Memorandum. Some of the options highlighted were in areas of organization (types of personnel involved, structure used), design of desk audit procedures (number and types of indicators, priority system), voluntary compliance planning process (timing, appeals process option), and delivery of technical assistance (extent variable depending on state resources). Unsure of the exact MOA approval criteria, states were hesitant to include more detail than appeared to be absolutely necessary, and, thus, the connection between compliance activities and state structures and procedures will not always be apparent in the MOAs. For non-model states, the two-day workshops were not sufficient to provide the one-to-one assistance necessary to meet this objective. The workshops could only help participants become more aware of their options and provide suggestions regarding variations. The critical test of this objective will be the degree of success states achieve in implementing their MOAs and the amount of redesign needed to have a fully operable system.

Objective d. To encourage information-sharing among states.

The workshop design was intended to, and did, encourage expansion of the existing vocational education network to include civil rights experts. With respect to the model states, we supported travel of model MOA developers to other states, and encouraged contact among models at three seminal meetings. We served as a conduit of materials between states. Since the workshops, many states have reported that they have continued to communicate with the persons they met there. A state-to-state network is developing. Considering the innovative nature of civil rights work now being done in the states, it is an objective that will require continued support.

Objective e. To encourage links between states and OCR Regional Offices and other federal agencies (BOAE, Desegregation Assistance Centers, etc.)

State officials initially approached the new relationship with OCR with caution. They felt unfamiliar with civil rights compliance and felt that OCR did not understand vocational education. We encouraged the states to communicate with OCR regional officials and provided a forum for initiating contact in the workshops. OCR staff attended the Southern, Central, and Western Branch workshops. OE Regional Office staff attended the Southern Branch workshops. The Project Officer attended the Eastern workshop with another BOAE staff member, and a third BOAE staff member attended the workshop in Portland.

While we were pleased with the attempt that federal officials made to attend the workshops, especially OCR Regional Office staff, we felt that attendance could have been improved. It is important that the federal agencies who are partners in this civil rights effort with the states are not only visible to the states but show an active interest in learning what the effort involves and what challenges face the lead actors in the effort, state agencies.

As the preceding discussion has indicated, the tasks of this project, and the manner in which CRC conducted the project activities, were seen by state agency personnel as contributing significantly to the project's objectives. A further indication of the effectiveness of this project is to compare the status of the state agencies' civil rights efforts prior to the award of the contract and to their current level. Of course, it must be kep in mind that there have been several other factors in addition to CRC's training and technical assistance which state initiated themselves after the issuance of the Guidelines and the Memorandum. These factors include hiring and training staff, reorganizing state agency operations to include civil rights activities, and amending state legislation.

Essentially the states have come from an initial position of resistance, confusion, frustration, and lack of knowledge to developing MOAs that were generally accepted by BOAE and subsequently working towards implemeting their civil rights programs. There has been an

increased recognition and acceptance of the compliance responsibility, a greater commitment to making the compliance program work, and an increased understanding of civil rights concepts and issues. We are pleased that the training and technical assistance provided by this project have been cited by many state agency personnel as instrumental in shifting attitudes, developing familiarity with civil rights concepts, and setting a framework for the development of state agency civil rights conpliance programs.

Increased commitment and knowledge is, of course, a positive outcome, but has also led to the realization of the complexity of the issues and the need for improved skills to develop and implement an effective compliance program. As one state agency person said to us "We now know who much we are going to need to know." The following section discusses recommendations for federal activity to help meet the states current needs relative to refining and implementing their MOAs.

IV. RECOMMENDATIONS

This project contributed to the achievement of state vocational education agencies in reaching the first step to civil rights compliance, the development of MOAs. This chapter presents recommendations to BOAE which are based on our experience in conducting this project and our familiarity with state activities and plans. The recommendations fall into three categories. The first category, technical recommendations, relates directly to the project, as initially conceived by BOAE and implemented by CRC Education and Human Development. Strategies that were effective and alternative strategies that might avoid future problems are described in terms of:

- Project approach
- Technical assistance to model states
- Materials
- The five workshops
- Post-workshop activities

The second category, policy issues, highlights the organizational and policy questions, that, if addressed, would, in the opinion of state vocational education MOA developers and implementers, TAG members, and CRC staff, greatly facilitate state civil rights efforts. The policy issues are presented in the spirit of open communication--between states and CRC, between CRC and federal officials, and among states--that has characterized this project.

The third category focuses on the needs of states for continuing assistance. These recommendations reflect the full range of challenges states face in implementing a comprehensive civil rights compliance program.

A. TECHNICAL RECOMMENDATIONS

1. Project Approach. The MOA Development project was unique in several respects: it was designed to meet the urgent need of state agencies to produce MOAs by March 21, 1980; it was designed to help state agencies enter a new field of endeavor (civil rights) and meet new and complex responsibilities (planning and implementing a civil rights compliance program); it was highly visible; and it was considered by the government to be of major importance in meeting the Adams mandate. While these factors were unique, we believe that lessons may be learned from our experience that may be helpful to BOAE in planning similar work in the future.

First, the timing of the project is critical. When a deadline has been imposed on states to submit a new kind of document, government help should be forthcoming early enough that it can be effectively used. Should such help be provided through a contractor, the contract should be awarded in time for the contractor to research, to conceptualize, to plan and prepare, and to schedule assistance activities (e.g., workshops) so that they can be beneficial to the target audience.

Second, when the timing of the project can not be manipulated, priorities should be established with respect to the kinds of activities to be performed and the number of products to be developed. In this project, we felt that there was an inordinate amount of deliverables and activities required during the first three months of the contract. We were continually balancing the need to meet the major goals of the project (the development of MOA standards, the development of MOAs by the model states, and the design and conduct of workshops) against the need to submit deliverables. Although all of the deliverables had inherent value, we question their relative value in terms of the major tasks of the project. Assuming early and frequent communication with the target audience, a flier is redundant unless it is disseminated within the first month. The State-of-the-Art Report, while useful as a background document, may have been premature since, at the time it was first submitted in draft on December 17, the state-of-the-art of civil rights implementation activities in vocational education was virtually non-existent. A state-of-the-art report produced after a year or two of state civil rights experience would be much more informative both to federal and state officials. Similarly, the bibliography could have been developed at a later time and might have received more attention by the states after they had submitted their MOAs. Finally, the requirement for revising of workshop materials after the workshops are completed should be reexamined: we would have much preferred to have the time for multiple revisions before the workshops. In summary, the nature and scheduling of project events and scheduling should be determined on the basis of the problem or problems they are intended to address.

The third general recommendation we would make is to ensure field involvement in every phase of the project. The field should be involved initially in the conceptualization and design phases, then in review, and finally in evaluating the work of the project. The field can be represented by advisory group members for efficiency. Representatives should be available to provide advice throughout the project, and the contractor should be able to turn to them for help as needed. Communication must also be maintained with the field as a whole, especially in the design phase of workshops or technical assistance. We also urge that training and technical assistance needs assessments be included in every project of this nature. Without current information about the experience and expectations of the target audience, the contractor operates in a vacuum and the assistance provided is much less relevant to participants.

2. Technical Assistance to Model States. This project utilized a unique and effective approach to assisting all states: intensive and early assistance to four states and Guam in developing their MOAs. The

overall concept was an excellent one that helped meet the states' needs, both immediate and future. The model states chosen typified the range of the states in general, and inclusion of Guam as a model was particularly noteworthy. However, the model MOAs and experiences of the model states would have had far greater impact if model efforts had preceded the work of other states by more than a few months and if the model MOAs had been approved by both BOAE and OCR prior to dissemination. In general, we feel that the use of models is an effective strategy but that more mileage can be gained from their use with better scheduling.

The assignment of a liaison to each model state is an efficient organizational tool. The system allows appropriate members of the project team to respond promptly with training, advice, policy interpretations and document reviews. A variety of forms of assistance can thus be tailored to model state needs.

A particular strength of the technical assistance to the model states in this project was the variety of mechanisms by which assistance was provided, from staff liaisons, from technical assistance consultants, and from use of the discretionary funds. We recommend that such a range of forms of assistance be used in further efforts with models. With respect to consultants, we recommend that the state with which the consultant will be working be involved in the selection process. Consultants might be chosen by the contractor from a list either prepared or reviewed by a state representative. It is also advisable that consultants reside near the state agency, although this may not always be possible, especially in outlying areas.

To improve technical assistance delivery we would suggest that the responsibilities of the models be clearly delineated and that prior agreements reached between the models and the government be recorded and shared with the contractor. Similarly, formal agreements should be prepared between each model and the contractor. In this project, for example, CRC was responsible for the timely submission of model MOAs developed by the states, but we had no leverage to guarantee their submission by the model states on time.

Finally, the innovative nature of the project and the corresponding lack of answers sabout MOA requirements at the national level must be taken into account. In this project, much advice and feedback had to be couched in tentative terms; "To the best of our knowledge." The model states could not be confident that our advice would hold up under government scrutiny. Thus, to most effectively implement a model design in the future, an individual with authority to respond to policy questions, and to whom all policy questions should be referred, should be designated by the government.

3. Materials. Because the CRC standards were the cornerstone of the project, more time should have been given for development and dissemination to states at the beginning of their MOA planning process.

The standards would have had more impact if they could have been produced earlier and distributed to states in an approved form at the start of their MOA planning.

Any material which has been prepared as standards or criteria for others should be approved by the government before it is disseminated. States were unsure whether the standards were federal mandates or merely CRC recommendations and were thus hesitate to use them. In addition, we suggest that standards contain a variety of examples of acceptable state options so that the audience can more clearly understand its options. Examples of options applicable to the outlying areas and Washington, D.C. would be particularly useful.

Other materials produced were useful but had less impact than the models and the standards. Our recommendation to place less emphasis on them has already been stated.

4. The Five Workshops. Recommendations relating to logistical arrangements for the workshops relate to location, timing, and participant registration. We recommend that future training be held in the four BOAE regional areas or branches, since they correspond with existing regional networks, although the workshop design must accommodate the relatively large number of participants who will attend. We recommend two changes. First, the Eastern Branch workshop should not be held in New York City, since affordable, physically accessible, clean, and safe hotel space is very difficult to find there. Second, the "unusual states" (Pacific territories, Hawaii, Puerto Rico, Virgin Islands, and Washington, D.C.) are currently assigned to three regions. We recommend that training be tailored to their unique populations and organizational structures. This could be accomplished by grouping them together in one workshop or designing a special training package for them to be delivered at regional workshops, e.g., for the Pacific "states" in Hawaii or California and for Washington, D.C., Puerto Rico, and the Virgin Islands in the southern region. A third alternative suggested by a Guam official is to involve the outlying territories by satellite communication. The workshop can be videotaped, shown in Guam to territorial representatives, and a conference call made to the trainers on the mainland for discussion.

Appropriate timing of workshops is particularly important. Training was perceived by most states as being too late. We recommend that training focusing on the preparation of a document be held at least two months before the submission date if states are to have adequate time to utilize information. Should states be required to complete an internal review and approval process before submission, the intervening time should be extended. In addition, we recommend that the first workshop serve as a pilot and that sufficient time between the first and other workshops be allocated for analysis of the results and, if needed, modification of the agenda and materials, and briefing of trainers.

We recommend continued use of a participant registration process similar to the one used in this project and suggest that, in addition, registrants be called to confirm attendance two weeks before the workshop date. We feel that BOAE support of two participants (travel and meals) from each state encouraged full participation and recommend its continuation. Also, to guarantee that participants attend the entire workshop, registration materials should clearly require full-time attendance. Another way to encourage full-time attendance is to start earlier each day and end earlier the last day.

In projects like this in which consultants, TAG members, and model state staff members have played a major role, we recommend that they be involved as active members of the workshop team. In order to serve in a trainer capacity, each person should work with the core trainers to ensure understanding of the objectives of the workshop, comprehension of the training materials, and capability to serve the role specified.

We strongly urge that regional and national federal officials participate in all workshops. The federal presence is extremely important to workshop participants; it is taken as hard evidence that the government is interested in their problems and supports the contractor's efforts. The problem of participants turning to the officials for policy decisions which they can not make is far outweighed by the benefits--the indication of commitment such presence implies, knowledge gained of state concerns, and personal contacts with state personnel.

Finally, and this may seem to contradict our earlier statements suggesting a reduction in the number of reports, we recommend that workshop reports be required, either for each workshop ten days after it is held, or, if the workshops occur in close sequence, a report ten days after the last workshop. This will enable the government to more closely monitor the contract. To assist the contractor and the government in evaluating the effectiveness of workshops, we also recommend that participants complete evaluation instruments. Participants expect to and want to give written feedback: they are disappointed when they are not asked to do so. If the FEDAC requirements do in fact apply to workshop participant evaluations, they should be changed.

5. Post-Workshop Activities. In this project post-workshop activities were designed to continue support to the model and other states which we felt was essential for BOAE to meet its commitment to help states meet their civil rights responsibilities. In the future, we recommend that, should that commitment be limited in any way, the limits be communicated to the contractor, to the model states, and to all other states at the beginning of the project. In general, we recommend that follow-up work and individualized assistance be made available to the target audience. In most cases, it is a natural outcome for the audience to look to workshop providers for continued help. This should be anticipated by the government and encouraged.

B. POLICY RECOMMENDATIONS

CRC Education and Human Development's experience in conducting workshops and in providing technical assistance to the model states and Guam and to the remaining states has given us a unique perspective on the concerns that states have regarding the development, approval and implementation of their MOAs. In addition, the project's Technical Advisory Group has provided a great deal of insight into states' needs. In this section, we make a series of recommendations for BOAE's consideration relating to policy issues, and in Section IV-C relating to the continued need for assistance in the states. Recommendations made by TAG members at the June 18, 1980 meeting, and in which we concur, are indicated by (TAG).

Our recommendations in the policy area include:

- BOAE should identify a civil rights contact person to provide assistance to states on request.
- BOAE and OCR should train their staff members so that they understand the civil rights requirements in vocational education and so that a consistent response will be forthcoming to state requests for information.
- OCR should assist state vocational education agencies to implement change in the policies and procedures of other state agencies under which the state vocational education agency operates. (TAG)
- Expedite the final approval of the MOA and amend the Memorandum to reflect changes in implementation timeframes due to the delay in approving MOAs. (TAG)
- Allow flexibility in the desk audit schedule by permitting states to vary the percentage of subrecipients to be reviewed in any area and by altering the sample selection process. (TAG)

1. Claification of Responsibilities. When the MOA requirement was first mandated, there was a great deal of resistance on the part of state agency personnel. Some of that resistance can be explained by the fact that there were many unresolved issues that affected the quality of the states' civil rights programs. As the states tried to get clarification on these problems from the federal government, they found that most OCR and BOAE personnel were as unsure of the MOA requirements as they were and could not provide any help in answering questions. Furthermore, assignments to individuals at the federal level had not been made, so there was no single contact point for state officials. We join with the Technical Advisory Group and the states in recommending that OCR and BOAE staffs be thoroughly trained so that they can assist the states. Further, we recommend that one person in each agency be

assigned to each state and designated with MOA responsibilities. The name or names of these persons should then be communicated to the states. The TAG recommended that federal responsibility for monitoring state civil rights activities be placed in either OCR or BOAE but not both. We do not agree. Each agency brings its own skills and experience to bear on the problem of discrimination in vocational education: both must contribute, in a coordinated fashion, to its solution.

One area that has proved to be of particular concern is the review of state policies and procedures. As presently mandated, states must conduct an evaluation of those policies and procedures under which they operate, but over which the state agency has no authority, for example, state civil service laws, architectural barriers rules, and capital improvement regulations. Because of the difficulty of one agency effecting change in the policies of other agencies, we recommend that the government assist vocational education agencies, perhaps by requesting modification of the policies of other agencies themselves.

2. Changes in the MOA Requirements. The first major task for the states was to understand what the MOA requirements were. Now that most states have written their MOAs and are in the beginning stages of implementation, they are recommending that modifications be made in the Memorandum requirements to assist them to more adequately perform their civil rights duties. First, it has been difficult for states to proceed with their proposed MOA plans without final approval from BOAE and OCR. Many states cannot or will not undertake any activities until such approval is received. Although the submission date for the first annual report has recently been extended to January 1, 1981, we strongly urge that the government MOA review and approval process be expedited, so that all states can implement their MOAs with confidence.

Some states also recommended that, for the first two years of the MOA oversight cycle, states be allowed to vary the 20 percent desk-audit requirement. There are numerous problems involved in the start-up year--e.g., the design and evaluation of the desk-audit procedures, training state agency personnel, and assessment of available data, which, once resolved, will not recur in subsequent years. We therefore recommend that the government view this year as somewhat experimental and allow the states some flexibility to allow for designing, field-testing, and developing their oversight strategies. The requirement that 100% of subrecipients be desk-audited within the five-year cycle should be maintained.

We also recommend that sample selection be viewed as experimental during the first year of operation. Many states would like to coordinate the civil rights reviews with their regular vocational education program reviews, but this is difficult to achieve at present because of the Memorandum requirement to first review at the agency level the subrecipients which are potentially the worst offenders. States need time to design an integrated system of program and civil rights reviews. They also need at least one round of desk-audits to learn how to identify the potential worst offenders in the most efficient way.

3. Other Issues

Provisions of Funding

In many states the lack of funding for civil rights activities has been an obstacle to MOA development and implementation because they are under a hiring freeze or are mandated to reduce existing staff. Under these circumstances, states have had to assign more responsibilities to present staff or to contract out tasks. The states have requested federal funding for the MOA activities, to provide for the additional staff that will be required to mount even a minimum civil rights compliance effort. Although the funding provided in P.L. 94-482 for the sex equity coordinator function may be seen as a precedent for funding other civil rights activities, civil rights legislation clearly intends that state and local eudcation agencies have the major financial, as well as legal responsibility for eliminating discrimination in vocational educaion programs. This is not to say that federal support for some of the specific activities required by the Memorandum, such as the desk audit and on-site reviews, should not be forthcoming. To a great extent, such support should be in the form of training, technical assistance, or materials dissemination; but it may also include a measure of financial support on the sex equity coordinator model. We are aware, of course, that the probable extension of similar operational requirements to all state education agencies might make the government wary about setting a funding precedent for vocational education. Providing funds to state vocational education agencies for civil rights operations now may well create complications in the future.

Clarifications of the Regulations, the Guidelines and the Memorandum

There are two issues concerning the regulations and the Guidelines which require the attention of federal authorities. As a result of recent court decisions, the applicability of the Title IX Regulations to employment has been called into question. The Office for Civil Rights is operating under a policy that reflects these decisions. A formal statement should be issued advising the states of OCR's position and the implications the court decisions have relative to state activity.

The Guidelines indicate that, in addition to complying with the Title VI, Title IX and Section 504 regulations, the MOAs must address age discrimination when regulations have been promulgated. A great deal of confusion exists with respect to the states' responsibility in complying with these regulations, and some direction from the federal agencies would be helpful.

Another requirement of the Memorandum that several states want clarified is the requirement that copies of voluntary compliance plans be submitted to BOAE and OCR. In addition to their concerns about the amount of paperwork required, states are concerned with how these plans will be reviewed by federal agencies. We recommend that BOAE and OCR share with the state what the review process will entail, and what will be done if these plans are deemed inappropriate by the federal agencies.

C. RECOMMENDATIONS FOR TECHNICAL ASSISTANCE TO THE STATES

These recommendations fall into four broad categories, with specific recommendations listed in each. A summary listing of the recommendations is presented in Exhibit 5. Those recommendations which were made by the Technical Advisory Group on June 18 are so indicated.

EXHIBIT 5

RECOMMENDATIONS FOR ASSISTANCE TO THE STATES

TRAINING AND TECHNICAL ASSISTANCE

- Continue to provide training to assist state staff to implement their programs (in review of state policies and procedures, desk audits and on-site reviews, investigative for example).
- Provide continuing TA through telephone calls, letters, updates, and information on new developments.
- Provide training for state trainers.
- Provide training to the National Advisory Council for Vocational Education and State Advisory Councils for Vocational Education.

MATERIALS

- Provide a sample set of instruments for preparing an investigative plan and conducting on-site reviews. Include a baseline extrapolated from the regulations with suggestions on sources for supporting data, questions to ask, whom to interview, and directions the inquiry should take.
- Provide materials on indicators to be used in the desk audit for making determinations of possible noncompliance.
- Distribute the OCR Vocational Education Compliance Manual.
- Develop materials, including appropriate criteria, for reviewing state policies and procedures.

INFORMATION EXCHANGE AND COMMUNICATION NETWORKS

- Sponsor quarterly branch meetings to exchange information and share experiences.
- Promote a communication network among states.
- Print and disseminate a roster of individuals heading the compliance programs in the states and contacts in federal agencies.
- Support a resource dissemination grant or extend existing

grants to include civil rights materials such as recent case laws.

- Assess on a periodic basis states' needs for assistance.

TRAINING AND TECHNICAL ASSISTANCE

The recommendation given the highest priority by workshop participants, state representatives in the final survey, and TAG members was the desire for training and technical assistance in addition to that provided at the workshops. Participants came to the workshops expecting to learn how to write their MOAs. Once that task was completed, however, they recognized the need for further in-depth assistance to help them implement their civil rights program.

As states begin to implement the programs they have described in their MOAs, they feel that further training is their greatest need, followed by technical assistance. We recognize that the areas in which training or technical assistance is currently needed will rapidly change and that six months from now new needs are likely to have arisen.

- Continue to provide training to assist state staff to implement their programs (in review of state policies and procedures, desk audits and on-site reviews, investigative skills).

State representatives recognize their needs for specific information and the "hands-on" training required to implement their MOAs. Regional workshops should be conducted to provide that training for state personnel who have actually been assigned to civil rights compliance tasks. The workshops should focus on providing information and skill training that is directly related to the jobs and tasks required to carry out civil rights responsibilities. OCR funded a series of implementation workshops from March through June of this year, but these focused on building the knowledge of participants about the regulations and the Guidelines and provided only an introduction to civil rights program operations. Further work is needed in operationalizing the requirements of the Guidelines.

Although the workshops could be conducted in the BOAE planning regions or branches as before, some consideration should be given to other configurations, as, for example, inviting states with similar organizational structures or administrative structures to specific workshops or grouping states according to size and numbers of subrecipients. Grouping states according to common characteristics would permit states to share more directly their problems and solutions with other states in similar circumstances.

- Provide continuing technical assistance.

Not only have states recognized the need for further training so they can better implement their civil rights programs, they have identified a need for individualized technical assistance. State personnel need to have specific compliance questions answered. Often those answers can be provided by telephone or letter from a knowledgeable source. On-going technical assistance should be provided to states through hot-lines or telephone and letter contact with individuals who can provide immediate answers to questions as they arise. This type of technical assistance is not a substitute for further training. Rather its focus should be to provide a short-term assis-

tance on an "as needed" basis. Such assistance should be available to all states and be given by persons knowledgeable about specific state organizations, problems, and unique state characteristics, since solutions are most effective when tailored to the need.

- Provide training for state trainers.

The focus of workshops recommended here is different from that suggested previously. The objective of these workshops would be to provide intensive training for at least one representative from each state who would then, in turn, train other members of the state compliance team. Thus, the activities would emphasize the development of training skills rather than civil rights content. A training manual should be disseminated at these workshops for use by the state trainers in training their state's staff.

- Provide training to the National Advisory Council for Vocational Education and State Advisory Councils for Vocational Education

State agency administrators agree on the importance of providing an orientation to civil rights to all individuals and groups involved in the vocational education program, particularly members of advisory councils. Student groups such as DECA, FFA, and FHA and advocacy groups could also be included. The training provided should focus on their role in civil rights compliance, provide the historical background and legislative requirements, and explain the states' compliance responsibilities. Ideally, workshops would be provided at the state level if all groups, the SACVE, student and advisory groups are included. Alternatively, a workshop could be held in each of the four BOAE regions.

MATERIALS

Although many state representatives and TAG members expressed the need and desire for further training, they also requested specific materials to help them conduct their compliance programs. Thus, the second category of recommendations focuses on the types of materials that will help states conduct their programs.

- Provide a sample of instruments for preparing an investigative plan and conducting on-site reviews. Include a baseline extrapolated from the regulations with suggestions on sources for supporting data, questions to ask, whom to interview, and directions the inquiry should take.

- Provide materials on indicators to be used in the desk audit for making determinations of possible noncompliance.

The recommendation for a set of sample instruments to be used prior to and during the on-site review reflects the need of state agency personnel for specific information. These instruments should include instructions on data sources and directions for the inquiry, relating to the regulations

and Guidelines. This instrument or set of instruments could be developed nationally and distributed through workshops or via a TA network to the states.

Since many of the persons responsible for conducting the desk audit are not trained in civil rights data analysis, we recommend that indicators of possible non-compliance be developed for use in desk audits. These indicators could include statistical models of compliance as well as measures to apply to data. The indicators should be based on those used by OCR in its compliance reviews, and by studying the systems some states have already developed using available data sources. Model indicators should be developed and disseminated at the national level to assure some consistency among states, although the indicators should be presented as models, not as standards which must be adhered to regardless of state data sources.

- Distribute the OCR Vocational Education Compliance Manual.

Many states have heard about and requested copies of the OCR Vocational Education Compliance Manual. CRC Education and Human Development, Inc. recommends that copies of that Manual be released and distributed to the states. This Manual might serve as another tool to use in conducting compliance reviews or as a model for developing state-specific manuals. In either case, since the compliance tasks are new ones for state personnel, they should have all the information and assistance available.

- Develop materials, including appropriate criteria, for reviewing state policies and procedures.

Many states have reported that they are finding it very difficult to review their own policies and procedures and have requested guidelines to use in that review. That states have expressed some doubt regarding the comprehensiveness of their reviews and that the Guidelines require all new or revised policies and procedures to be reviewed argues for the development of guidelines or criteria. Such guidelines not only would alert state staff to discrimination in their own policies and procedures, but they could be adapted and used in the review of subrecipients' policies and procedures.

INFORMATION EXCHANGE AND COMMUNICATION NETWORKS

This category of recommendations focuses on the perceived need of state and TAG representatives for an improved communication system or network among state civil rights compliance officials. Improved communication, they indicate, would go far in easing their problems and facilitating the civil rights implementation process.

- Sponsor periodic regional meetings to exchange information and share experiences.

A recommendation that we feel would greatly improve communication and facilitate the achievement of compliance is for the federal agencies to

sponsor branch or regional meetings for federal and state representatives. Not only could updated materials and information be shared among participants at these meetings, but working relationships between state and federal agencies would be greatly enhanced. The meetings would provide a forum for the exchange of ideas and new information, promote greater cooperation, and help dispel the feeling among state staff that the federal bureaucracy is unresponsive to their needs. CRC Education and Human Development, Inc. recommends that these one or two-day meetings be held at least once a year.

- Promote a communication network among states.

Not only do the states feel the need for increased communication between themselves and the federal agencies, they also recognize the need to establish better communication among themselves to share ideas, problems, and solutions. Although some informal communications already exist on a limited basis among states, a more formalized system could be established. A network plan should be developed for sharing between states of similar size, organizational structure, or with related problems such as ethnic composition (states with influx of current large immigrant groups or non-English speaking students). The states in each of the four branches vary so widely in these respects that contact with a similar state in another branch is often more useful than working with the states in one's own branch.

- Print and disseminate a roster of individuals heading the compliance programs in the states and contacts in federal agencies.

This recommendation calls for distributing to federal and state civil rights officials the names, titles, addresses and telephone numbers of all state and federal officials involved in the compliance effort. This task would require little in the way of time or money but would facilitate the communication process. A regular plan for updating this information should be established.

- Support a resource dissemination grant or extend existing grants to include civil rights materials, such as recent case law.

Funds should be provided for a dissemination network similar to the National Center for Research in Vocational Education at Ohio State University to provide for the dissemination of civil rights-related materials. Such a resource dissemination network would facilitate the efficient sharing of information among states. Existing grants might be expanded to include this function.

- Assess on a periodic basis states' needs for assistance.

A final recommendation evolving from the TAG meeting was the suggestion that states be contacted regarding the types and substance of assistance to be provided to them. Too often, they indicated, states are provided with

inappropriate or inadequate assistance. Ideally, a needs assessment is conducted prior to the provision of any assistance so that the intended recipients will have input in the planning stage. Not only would the assistance provided be better focused, but it would be much better received and accepted by those it was designed to help.

APPENDIX

APPENDIX I..... PROJECT STAFF & CONSULTANTS

APPENDIX II..... TECHNICAL ADVISORY GROUP

APPENDIX III..... WORKSHOP PARTICIPANTS

APPENDIX IV..... DEVELOPMENT OF METHODS OF ADMINISTRATION FOR THE IMPLEMENTATION OF THE OCR GUIDELINES: DELIVERABLES

APPENDIX I

PROJECT STAFF AND CONSULTANTS

Project Director

Kristina Engstrom

Project Staff Members

Gregory Bartlett
Hara Bouganim
Gloria Cooper
Ellen Delany
Maria Mossaides
Kim Putman
Karen Rafeld
Tama Zorn

Consultants

William Conyard
Personal Services Associates
Portland, Oregon

Dr. Raymond H. Lehrman
The Northern Institute for Research,
Training and Development
Anchorage, Alaska

Dr. John Preston
Department of Vocational and Career Development
Georgia State University
Atlanta, Georgia

APPENDIX II

TECHNICAL ADVISORY GROUP

State Representatives

Georgia — Dan Fleming
State Planning Coordinator
Office of Vocational Education

Guam — Dr. John Salas
Director for Vocational Education

Illinois — Lonnie Hart
Manager, Special Programs
Adult, Vocational and Technical Education
Illinois Office of Education

New York — Carol Jabonaski
Civil Rights Coordinator
New York State Department of Education

Oregon — Larry Mylnechuk
Vocational Education
State Department of Education

Other Technical Advisory Group Members

Gene Bottoms
Executive Director
American Vocational Association

Albert Gayzagian
Planning Coordinator
John Hancock Mutual Life, Inc.

Harold C. Haizlip
Educational Consultant

Virla R. Krotz
Past Chairperson of the Sex Equity Task Force
of the National Advisory Council on Vocational Education

Raymond Sankovsky
Director of the Vocational Institute for Special Needs
Auburn University

APPENDIX III

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

EASTERN BRANCH WORKSHOP, NEW YORK CITY

FEBRUARY 14-15, 1980

STATE	PARTICIPANT	TITLE
Connecticut	Carole Aiken	Sex Equity Consultant
	Alma Exley	Intern/MOA Development
Delaware	William M. Lybarger	Evaluator/Auditor Voc. Programs
	Carol O'Neill Mayhew	State Supervisor - Sex Equity
Maine	Whitney B. Newcomb	Director, Program Operations
	Elwood A. Padham	Associate Commissioner (SDVE)
Maryland	David S. Kimmel	Chief, Support Services Branch
	Leo E. Lezzer	Coordinator, Program Accountability
	Larry Custis	
Massachusetts	Susan Dinga	Bilingual Voc. Ed. Specialist
	Lynn Hagar (Madeleine B.)	Coordinator, EEO
New Jersey	Rose Marie Padovano	Process Consultant
	Jacqueline Walker	Director, Office for Equal Acces
New Hampshire	Patricia A. Burkush	Associate Education Consultant
	Dr. Arthur H. Ellum	Director, Professional Development
New York	Carol Jabonaski	Supervisor, Occupational Ed. - Special Programs
	Sheryl Denbo	Consultant
	Michael Brustein	Consultant
Pennsylvania	Wayne L. Grubb	Supervisor, Disadvantaged/ Handicapped OCR Compliance Programs
	Donald R. Reutschler	Chief, Division of Education Compliance
Vermont	Richard E. Higgins	Education Consultant for Voc. Ed.
Washington, D.C.	Felicia E. Glascoe	Assistant Director, Career Development Programs
	Junius George	

A SUBSIDIARY OF CONTRACT RESEARCH CORPORATION
25 FLANDERS ROAD, BELMONT, MA 02178
1028 CONNECTICUT AVENUE, N.W. WASHINGTON, D. C. 20036

STATE	PARTICIPANT	TITLE
West Virginia	Donald W. Kinzy	Director, Community College Programs
	Dr. Patricia T. Sites	Supervisor, Statistical Services and State Plan Development
Puerto Rico	Carmen Gloria Cruz Rivera	Sex Equity Coordinator
	Dr. Charles A. Alberro	Executive Director, Limited English Speaking Ability
Georgia	Danny Fleming	Coordinator of State Plannin
	John Preston	CRC Consultant - Georgia
North Carolina	Morris Johnson	
	Bryant Lindsey	
BOAE	Paul Geib	
	Cathy Ball	

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

SOUTHERN BRANCH WORKSHOP, ATLANTA

FEBRUARY 20-21, 1980

State	Name	Title
Alabama	Dr. James R. Bishop	Asst. Director of Voc. Ed.
Alabama	Dr. Robert T. Carter	State Director of Voc. Ed.
Alabama	Mrs. Ann Turnham Smith	Sex Equity Coordinator
Arkansas	Linda Beene	Program Mgr., Voc. Equity Program
Arkansas	Geneva Guthrie	Exec. Asst. to State Director of Voc. Ed.
Florida	Nancy T. Benda	Director
Florida	Mrs. Charlotte C. Carney	Vocational Education Equity Specialist
Florida	Dr. Roger Nichols	
Florida	Jo Conte	Consultant
Florida	Mrs. Elaine M. Hershey	Consultant
Georgia	Danny Fleming	Coordinator, State Planning
Georgia	Joseph Freund	State Director
Georgia	Loydia Weber	Sex Equity Coordinator
Georgia	Barbara Landay	
Louisiana	W. Wayne Meaux	Supervisor, Trade & Industrial Education
Mississippi	Judy McLarty	Program Officer, Sex Equity
Mississippi	Kermit Nations	Adm. Assistant
Mississippi	James A Reeves	Asst. Director, Voc. Ed.
Mississippi	Bennie Robbins	Coordinator of Evaluation
New Mexico	Vince Murphy	Director, Post-Secondary Educ.
Oklahoma	Charles O. Hoplins	Asst. State Director for Supportive Services

475 L'ENFANT PLAZA WEST, S.W., SUITE 2970, WASHINGTON, D.C. 20024

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

State	Name	Title
Oklahoma	Linda Wilson	OCR Coordinator
South Carolina	Brenda C. Compton	State Supervisor
South Carolina	Nick Milasnovich	Coordinator, Area Voc. Ctrs.
South Carolina	Annie S. Winstead	Consultant in Sex Equity
Tennessee	Brenda Barr	Director, Secondary Vocational Programs
Tennessee	Patricia Steffan	EVO Specialist
Texas	Cecil Wright	Sex Equity Coordinator
Virginia	Melvin H. Garner	Administrative Director, Vocational & Adult Education
Virginia	Betty Hawa	Sex Equity Coordinator
OCR Regional Office Region IV	Sharyn Martin	
OCR Regional Office Region IV	Will Meredith	
OCR Regional Office Region VI	Thurman Johnical	
U.S. Office of Education, Region IV	Art Goldsmith	
U.S. Office of Education, Region VI	Herb Mackey	
U.S. Office of Education, Region VI	Elnora Duncan	

475 L'ENFANT PLAZA WEST, S.W., SUITE 2970, WASHINGTON, D.C. 20024

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

DEVELOPMENT OF METHODS OF ADMINISTRATION OF
THE IMPLEMENTATION OF THE OCR GUIDELINES

CENTRAL BRANCH WORKSHOP, CHICAGO

FEBRUARY 25-26, 1980

ILLINOIS

Lorrie Batchelor
Ph.D. Student

Fran Boyd
Administrative Intern
100 N. 1st Street
Springfield, IL 62777
(217) 785-8445

Louise Daley
Manager, Occupational
Consultants Section
100 North First Street
Springfield, IL 62777
(217) 782-4877

James R. Galloway
Asst. Superintendent
Dept. of Adult, Vocational
and Technical Education
100 North First Street
Springfield, IL 62777
(217) 782-0369

Lonnie Hart
Manager, Special Programs Section
100 North First Street
Springfield, IL 62777
(217) 782-5098

Peter Johnson
Executive Director
575 Lincoln Tower Plaza
524 South Second Street
Springfield, IL 62706
(217) 782-2892

John Kilt
Manager, Program Approval
and Evaluation Section
100 North First Street
Sprinfield, IL 62777
(217) 782-4876

Tom Murray
Affirmative Action Office,
State Board of Educ.
100 North First Street
Springfield, IL 62777
(217) 782-2474

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

ILLINOIS cont'

Tom Swoik (217) 782-4873
Manager, Operations Section
100 North First Street
Springfield, IL 62777

INDIANA

Walter Penrod (317) 232-1980
Executive Director, IN SACVE
524 Illinois Bldg.
17 W. Market
Indianapolis, IN

IOWA

Mavis Kelley (515) 281-4720
Chief, Fed. Programs
Grimes State Office Bldg.
Des Moines, IA 50319

Cheryl Compton
Graduate Student

Beverly Gilette
SEC
Grimes State Office Bldg.
Des Moines, IA 50319

KANSAS

Carole Oberle (913) 296-2221
Prog. Specialist, OCR
120 E. 10th
Topeka KS 66612

Carol J. Rhea (913) 296-3957
Voc. Ed. Administrator
120 E. 10th
Topeka, KS 66612

A SUBSIDIARY OF CONTRACT RESEARCH CORPORATION
25 FLANDERS ROAD, BELMONT, MA 02178
1028 CONNECTICUT AVENUE, N.W. WASHINGTON, D. C. 20036

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

MICHIGAN

Carolyn Ellis Logan (517) 373-0402
Ed. Consult., Voc. Ed. Services
Michigan Dept. of Education
P.O. Box 30009
Lansing, MI

MINNESOTA

Donald L. Hadfield (612) 296-5082
Compliance Specialist
633 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101

Charles Shubay (612) 296-8028
Director
550 Cedar Street
St. Paul, MN 55101

Jerry Guevara (612) 296-5707
State Supervisor,
Voc. Ed. Advisory Programs
559 Capitol Square Building
St. Paul, MN 55101

MISSOURI

Dave Harriman (314) 751-2585
Dir., Voc. Planning
P.O. Box 480
Jefferson City, MO 65102

Allen Kelsay (314) 751-2661
Asst. Dir. Research
Coordinating Unit
P.O. Box 480
Jefferson City, MO 65102

NEBRASKA

Carol J. Hiskey (402) 466-1250
Program Supervisor
Box 94987
Lincoln , NB 68509

A SUBSIDIARY OF CONTRACT RESEARCH CORPORATION
25 FLANDERS ROAD, BELMONT, MA 02178
1028 CONNECTICUT AVENUE, N.W. WASHINGTON, D. C. 20036

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

NEBRASKA cont'

Lloyd Mather (402) 471-2441
Director
Box 94987
Lincoln NB 68509

NORTH DAKOTA

Reuben Guenthner (701) 224 3101
Asst. State Director
900 E. Blvd.
Bismark, ND 58501

OHIO

Estelle Baskerville (614) 466-4835
Supervisor/ Coordinator
Room 913
State Office Bldg.
65 South Front Street
Columbus, OH 43215

Richard A. Macer (614) 466-4835
Asst. Director, Vocational
Education Special Needs
Service
Room 913, State Office Bldg.
65 South Front Street
Columbus, OH 43215

SOUTH DAKOTA

Pete W. Falleson (605) 773-3423
Asst. State Director
Richard F. Kneip Bldg.
Pierre, SD 57501

Ella Stotz (605) 773-4718
Supervisor, Equality in
Vocational Education
R.F. Kneip Bldg.
Pierre, SD 57501

A SUBSIDIARY OF CONTRACT RESEARCH CORPORATION
25 FLANDERS ROAD, BELMONT, MA 02178
1028 CONNECTICUT AVENUE, N.W. WASHINGTON, D. C. 20036

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

WISCONSIN

Judy Byfield (608) 266-2348
State Supervisor of Business Educ.
Dept. of Public Inst.
126 Langdon St.
Madison, WI 53702

Darl Drummond (608) 266-1433
Affir. Action Office
4802 Sheboygan Ave.
Madison, WI 53702

Mary Thompson (608) 266-8837
Voc. Ed. Coord.
SEC
Dept. of Public Instr.
126 Langdon St.
Madison, Wisconsin 53702

OCR REG. VII

George Bennett (816) 374-2156
Div. Dir. of HE& HD
1150 Grand Ave.
Kansas City, MO 64106

Wallace E. Brotherton (816) 374-2085
Equal Opp. Specialist
Office for Civil Rights
1150 Grand Ave.
Kansas City, MO 64106

Mae Miller (816) 374-2066
Equal Opportunity Specialist
1150 Grand Ave.
7th Floor
Kansas City, MO 64106

A SUBSIDIARY OF CONTRACT RESEARCH CORPORATION
25 FLANDERS ROAD, BELMONT, MA 02178
1028 CONNECTICUT AVENUE, N.W. WASHINGTON, D. C. 20036

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

WESTERN BRANCH WORKSHOP - PORTLAND, OREGON

FEBRUARY 28-29, 1980

Name	State	Title
Arnie Handschke	Alaska	Asst. Superintendent
Shirley E. Mennion	Arizona	Deputy Asst. Superintendent
William J. Anderson	Arizona	Assoc. Superintendent
Dr. Jean M. Clawson	California	Specialist, Health Occupation
William Callahan	California	Consultant
Russell De Vriendt	Colorado	Supervisor, Equal Ed. Access Serv
Bonnie Geiger	Colorado	Asst. Dir. Administrative Service
Dr. Sam Shigetomi	Hawaii	State Director
Mr. Frank Kanzaki	Hawaii	
Dr. Barbara Polk	Hawaii	Educational Specialist
Dr. Donald Eshelby	Idaho	Supervisor; Planning & Evaluation
Sandra Evans	Idaho	Supervisor of Health Occupations
Roberta Dowell	Nevada	Consultant; Equal Opp. in Voc. Ed
Sally Moore	Montana	Consultant for Human Potential Development
J. Dennis Sheehy	Montana	Consultant
Dr. Jed W. Wasden	Utah	Specialist, Coordinator for Secondary Programs
Roy Schmidt	Washington	Voc. Ed. Administrator
Brenda W. Gilmour	Washington	Program Specialist
Kenneth L. Owen	Washington	Voc. Coordinator
Dr. Micheal J. Elliot	Wyoming	Director of Voc. Ed.
Abel Benavides	Wyoming	
James C. Lamprecht	Wyoming	Coordinator

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

Name	State	Title
Larry Mathews	Oregon	Voc. Ed., Sp. Program
Monty Multanen	Oregon	Voc. Ed. Director
Llyod Brown	OCR Regional Office, San Francisco	
Mary Lovel	BOAE, Washington, D.C.	

475 L'ENFANT PLAZA WEST, S.W., SUITE 2970, WASHINGTON, D.C. 20024

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

PACIFIC TERRITORIES WORKSHOP, AGANA, GUAM

MARCH 6-7, 1980

Craig Clauser
State Director
Department of Education
Vocational Education Division
Government of American Samoa
Pago Pago, American Samoa 96799

Loren Peterson
State Director
Bureau of Education Headquarters
U.S. Trust Territory of the Pacific Islands
Saipan Commonwealth of the Marianas 96950

John Salas
State Director
Provost, Guam Community College
Agana, Guam

Angel Flores
Guam Community College

Judith Borja
Guam Community College

Claudette McGhee
Adult Education Consultant
Guam Community College

Wilhelm Rengill, President
Micronesia Occupational College (MOC)
Commonwealth of the Northern Marianas

Alan Kohan
MOC

475 L'ENFANT PLAZA WEST, S.W., SUITE 2970, WASHINGTON, D.C. 20024

APPENDIX IV

Development of Methods of Administration for the Implementation of the OCR Guidelines

Deliverables

1. Project Abstract. The abstract describes the objectives, procedures or activities, and expected impact of the study.

2. The Baseline Management Plan. This plan describes the tasks, milestones, resources and products for the project. It is used both for forward planning and management control.

3. Nominations of TAG Members and Consultants. A brief description of each TAG member's and consultant's capabilities and resumes are included in this deliverable.

4. Flier. The flier provides project information to state vocational education agency officials and others making inquiries about the project.

5. MOA Standards. The standards report is one of the most important products of this project as it provides for all states a listing and description of the basic elements to be included in MOAs. The report will also include suggested indicators for identifying discrimination problems.

6. State-of-the-Art Report. This report will analyze Title IV, Title IX, and Section 504 regulations and review the literature pertaining to the regulations. It will focus on civil rights problems in vocational education programs.

7. Bibliography. The bibliography will include all the relevant and useful literature which was reviewed for the purpose of developing the State-of-the-Art Report.

8. Model MOAs. CRC Education and Human Development will assist the four states and Guam in developing MOAs which will serve as models for other states and outlying areas. The model MOAs will contain the basic elements of MOAs as primarily described in the Memorandum of Procedures and as refined in the MOA standards.

9. Technical Assistance Report. This report will consist of a compilation of the experiences of the model states and the technical assistance providers during the model MOA development phase. The information included will be used as part of the training materials.

10. Training Plan. This report will include the workshop design and the logistical arrangements plan. The design section will include training objectives, content, and agenda.

11. Training Materials. The training materials will include two types of information: reference materials for workshop participants or a

Guidebook and training materials which will be used during the course of the workshops. The Guidebook will include the state-of-the-art report, bibliography, model MOAs, the standards, suggested methods for MOA development, and a report on the experience of the model states. Training materials will include handouts, case studies, and other working documents.

12. Project Brochure. The brochure will report the results of the project and notify its recipients of the availability of training materials.

13. Final Report. The final report will include the objectives of the project, its milestones, the methodologies used, and recommendations for future BOAE activity, if appropriate.

CRC EDUCATION AND HUMAN DEVELOPMENT, INC.
26 BRIGHTON STREET
BELMONT, MASSACHUSETTS 02178
TELEPHONE (617) 489-3150

Development of Model Methods of Administration (MOA) for the Implementation of the Office for Civil Rights Guidelines for Vocational Education

Final Report Summary

Prepared pursuant to
Contract No. 300-80-0039
for the Bureau of Occupational
and Adult Education

July 31, 1980

CE 026 457

475 L'ENFANT PLAZA WEST, S.W., SUITE 2970, WASHINGTON, D.C. 20024

I. INTRODUCTION

In March 1979 the DHEW Office for Civil Rights (OCR) issued Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap (hereinafter designated as the Guidelines). The Guidelines were the culmination of a long legal struggle by the NAACP Legal Defense Fund and other advocacy groups representing ethnic minorities, women, and handicapped persons, to bring about stronger federal enforcement of laws aimed at ending discrimination against these protected classes.

Although civil rights legislation had been in effect since 1964, covering federally-assisted vocational education programs, originally there were few attempts to ensure that these programs were open to all, either at the federal or state level. Section II of the Guidelines recognized a major fact of previous civil rights enforcement efforts: federal presence alone is insufficient to oversee civil rights compliance at the local level. In order to ensure that local programs are conducted in an equitable and inclusive way, there must be a cooperative effort between state supervisory agencies and federal enforcement agencies.

As a means of effecting this realization, the Guidelines requried state vocational education agencies to conduct a number of specific activities aimed at ending discrimination in their own policies, procedures, and programs and in local vocational education programs. These activities were divided into two areas of responsibility. First, the state agency must assume responsibility for non-discrimination in its own actions: establishing funding criteria, establishing admissions requirements for schools, approving actions by local entities, and in conducting its own programs. Second, the state agency must assume an "oversight" responsibility over "subrecipients," local agencies or vocational education centers that receive federal funds through the state. This oversight responsibility includes adopting a compliance program to prevent, identify and remedy discrimination. The components of the compliance program include agency level reviews of local data for potential discrimination, on-site reviews of local programs, obtaining of voluntary compliance, and the provision of technical assistance to subrecipients on request to identify and remediate discrimination.

In order to ensure that state agencies actually carried out their designated responsibilities, the Guidelines required the submission of Methods of Administration (MOA) to BOAE by March 21, 1980, one year after the issuance of the Guidelines. The MOA would set out the procedures the state agency planned to follow to review its own programs and policies and those of subrecipients.

In July, 1979, a Memorandum was sent to states jointly by BOAE and OCR, setting out specific MOA requirements and making numerous recommendations on MOA content.

Because of the tight timeframe for MOA submission, the unfamiliarity of many state agencies with civil rights requirements, and the new responsibilities imposed by the Guidelines, BOAE awarded this nine-month contract to CRC Education and Human Development in November 1979 to provide technical assistance in MOA deveopment to the states and outlying areas.

In order to carry out the project, three major activities were required:

1. The development of standards for MOA development, drawing on the Guidelines and other materials issued by BOAE and OCR, which would explain the requirements of section of the MOA suggest methods for meeting the requirements, outline the factors a state agency should consider in choosing a particular compliance method, and make organizational and procedural recommendations.

2. Working with four states (Georgia, Illinois, New York, and Oregon) and one outlying area (Guam) to develop model MOAs that could be used by all other states and outlying areas as an example for, and a guide to, their own MOA development.

3. The conduct of five workshops, for all states and outlying areas, one in each BOAE branch and Guam, to disseminate the model MOAs and to provide explanations of, and assistance in the MOA development process.

These three activities were designed to meet one major goal: the preparation by each state and outlying area of an MOA acceptable to BOAE and OCR within the time limits set in the Guidelines. This seemingly straightforward mandate incorporated a number of complex considerations involving the varied factors of state civil rights sophistication, personnel, finances and internal organization and their resulting ability to implement whatever document was created and submitted. Designing MOAs incapable of implementation would be a meaningless and time-wasting task. In order to ensure that the end result of this project was a legally sound, workable MOA, tailored to each state's resources, CRC Education and Human Development delineated the following project objectives which would be integrated into each of the project activities:

- To help states develop MOAs that meet the requirements of the Memorandum of Procedures.

- To help states develop realistic MOAs that reflected state structures and resources.

- To provide states with adequate information in the Title VI, Title IX, and Section 504 Regulations and the Guidelines to produce workable MOAs.

- To help states focus on programmatic implications of options taken in their MOAs.
- To encourage information-sharing among states.
- To encourage links between states and OCR Regional Offices and other federal agencies (BOAE, Desegregation Assistance Centers, etc.)

II. PROJECT ACTIVITIES AND RESULTS

A. PROJECT MANAGEMENT/START-UP ACTIVITIES

In early November 1979 when the project began, CRC Education and Human Development assembled a project team consisting of education specialists and civil rights attorneys, all with a strong background in materials development and training delivery. A technical advisory group (TAG) was also nominated, its ten members bringing to the project a rich background of experience in vocational education and civil rights implementation. Consultants were also identified to aid model MOA development in three of the five models.

Planning for all project activities were accelerated, because of the little time remaining before the MOAs were due in March. During the first month, major staff efforts were devoted to beginning production of two required products: a state-of-the-art report analyzing the relevant civil rights and vocational education legislation, and an annotated bibliography of all relevant materials, both intended for use as a reference for model states and other states attending the planned workshops. The first draft of the standards was also completed.

While the above mentioned materials were in production, staff liaisons made their first technical assistance visits in the model states. Technical assistance work continued on an intensive level through January. Team members began designing the workshops and making hotel arrangements and setting up the registration process. By the date of the first workshop, February 14, 1980, a scant three and a half months after the project began, the standards and all other materials were complete, as were the model MOAs.

B. ASSISTANCE TO MODEL STATES

In planning the scope of work for this project, BOAE anticipated a two-stage approach: first, technical assistance and logistical support would be provided to the five model states and areas to assist them in developing their MOAs. Then these MOAs would be used as models for MOA development in the other states and areas. The processes used by the model states and Guam to develop their MOAs would also be described in the workshops as examples of processes states might wish to adopt in whole or in part.

CRC liaisons served a number of technical assistance functions during the life of the project: meeting with state officials to determine state needs; providing legal documents; describing the activities of other states; providing legal interpretations in response to specific questions after consulting with BOAE and OCR officials; and reviewing draft MOAs and other documents. In some states, liaisons participated in specific implementation planning for internal policy reviews, on-site reviews and desk audits. A major component of the CRC liaisons technical assistance was information exchange, particularly between BOAE, OCR and the models.

Consultants provided by CRC or hired with discretionary funds worked with Guam and all states except New York in MOA development, performing a variety of tasks, including: providing background research; outlining and planning the MOA writing and revising sections of the MOA; and developing instruments to be used in MOA implementation.

Once the model MOAs were developed and delivered, technical assistance continued to the model states and Guam on request. This continuing assistance included further advice on and revisions of the MOAs, consultation on staff training, and suggestions and trial runs of implementation procedures. Draft implementation instruments for desk audits and on-site reviews were reviewed.

As a result of the technical and financial resources provided to the four states and Guam through this contract as well as the model states' commitment to the task, the five MOAs were completed prior to the first workshop in mid-February, 1980, a developmental period of only three months.

C. DEVELOPMENT OF THE STANDARDS AND OTHER MATERIALS

The MOA standards were one of the key elements to the MOA development process undertaken in this project. The purpose of the standards was to provide states with a uniform interpretation of all elements required in the MOA, according to the Guidelines and the Memorandum. The standards in draft were to be used by the model states in developing their MOA and then revised on the basis of this experience for distribution at the workshops, where they would form the basis for discussion and review of each state's MOA.

Work on the standards was begun by a CRC team in November 1979, and the first draft was completed later that month and circulated to Technical Advisory Group members and the Project Officer for review. The draft standards were used extensively by each of the model states and Guam in developing their MOAs, and feedback during this developmental process led to further revisions. As will be discussed below, the final standards then became a basic reference tool at the five workshops.

From project start-up to the beginning of the first workshop, an unusually large number of other products were developed, including the state-of-the-art report, the annotated bibliography, a flier describing the project, and a variety of workshop materials, including background information and checklists based on the requirements.

The state agency officials for whom most of these materials were prepared have generally found them extremely useful. The annotated bibliography and the state-of-the-art report are in frequent use as reference tools. The standards were rated as very helpful in MOA development, raising and clarifying important issues, and in planning implementation activities. State workshop participants indicated that the model MOAs were beneficial as a source of comparison and as examples for states just beginning the MOA development process.

D. WORKSHOPS

In mid-December 1979 a draft workshop plan had been developed by CRC and submitted to BOAE. The participant objectives included the development of the following skills:

1. To become familiar with the Guidelines, Memorandum and all relevant regulations.

2. To understand the purpose of the MOA as a planning tool.

3. To analyze the comprehensiveness of draft MOAs using the CRC standards.

4. To identify needed additions or alterations to draft MOAs, if any.

5. To share information and experiences among states.

CRC's workshop plan called for a balance of techniques, including lectures when necessary to cover complex materials unsuited to other presentation methods, small group discussion, review of a section of a model MOA, exchange and critique of a MOA section, and checklisting of MOAs against Memorandum requirements. The two-day workshops were designed to hold participant attention while achieving the desired goal: progress in MOA development. Flexibility was incorporated throughout the design to allow for differences in participant knowledge and stage of MOA completion, while meeting the objectives.

The five workshops were delivered between February 14 and March 7, 1980, a timeframe as far in advance of the March 21st deadline for MOA submission as possible. Workshop sites which were accessible for handicapped participants and which met the cost requirements of the project were selected. Trainers on each workshop team, which included a civil rights attorney, received three days of intensive training in all aspects of workshop content and training methods.

Workshops were held in New York City, Atlanta, Chicago, Portland, and Guam. In all, there were 127 state participants; as well as 3 OE representatives, 3 BOAE representatives, and 7 from OCR. Seventy-eight percent of the state attendees were involved in MOA development, although their positions in the state agency varied. Several were directors of vocational education, a number were program planners or involved with sex equity, special needs,

and equal educational opportunity. Most had limited civil rights experience and knowledge.

In evaluating the workshops, participants found the agenda appropriate and the opportunity to exchange views with other states in small groups particularly helpful. The trianing staff was judged to be well-informed and well-organized. Participants found that the assistance on MOA preparation was helpful but many expressed a desire for further training on understanding and implementing the regulations issued under Titles IX, VI and Section 504, since the workshop schedule could not accommodate full study of the regulations. Some participants continued to be frustrated at the lack of clarity surrounding a number of policy issues, such as the definition of subrecipient or the difficulty in selecting appropriate indicators of non-compliance.

In contacts following the workshops, CRC found that a number of participants from different states were continuing to communicate with each other about the MOA process and to exchange MOAs and draft implementation instruments. This networking should form the basis for continuing interrelationships between state agencies in the civil rights area.

III. RECOMMENDATIONS

Recommendations resulting from the project fall into three categories:

- Technical recommendations
- Policy issues recommendations
- Recommendations for technical assistance to states

A. TECHNICAL RECOMMENDATIONS

This project, as originally conceived by BOAE, successfully accomplished its ultimate goal: encouraging and facilitating MOA development as a first step in a full civil rights compliance program. Although this goal was met, CRC believes that there are a number of areas in which future projects of this nature can be improved. These recommendations are summarized in terms of the three major product activities: development of the standards, provision of technical assistance, and delivery of workshops.

The CRC standards were of great value both to model and other states in developing MOAs. However, we feel that their value could have been increased if more time had been available for development and for distribution before states began the MOA development process. We also feel that in the future similar materials should be reviewed by the government for consistency with policy prior to dissemination so that users can be assured that they reflect current official policy.

Technical assistance provided to the model states was consistently judged as a highly useful aspect of this project. Particularly cited was the flexibility of the types of assistance provided: through CRC liaisons, CRC consultants and the provision of discretionary funding, an approach we recommend be maintained. To make this approach even more useful, we recommend that technical assistance in future projects be provided to model states well before other states have begun their developmental processes.

Although the five workshops were an excellent vehicle for disseminating information to the states and for providing assistance and support, we believe that certain improvements could be made. We would first recommend that timing be such that a workshop on document preparation be held at least two months before the document is due, to allow adequate time for information assimilation and use. In addition, we recommend that the first workshop presented be treated as a "pilot workshop" with adequate time for analysis of workshop results and possible revision of agenda and materials before the succeeding workshops. We also urge that government officials be present at all workshops to provide information, respond to participant questions, and learn participant concerns. Finally, we suggest that the Pacific territories, Hawaii, Puerto Rico, the Virgin Islands, and Washington D.C. be given special attention in workshops because of their differences from the other states.

B. POLICY RECOMMENDATIONS

During the developmental stage of the MOA process, November 1979 through March 1980, state vocational education agencies had to learn to live with a great deal of uncertainty with respect to the government's MOA requirements. In retrospect, it seems clear that the government could not have anticipated all of the questions that were raised by states as they began thinking through the implications of the Guidelines and the Memorandum. Because answers were not forthcoming from the federal level, state administrators had to make judgments on many of the issues themselves. Only time will tell whether these decisions are workable and acceptable.

In the meantime, however, there continue to be policy issues that CRC Education and Human Development, our state respondents, and the Technical Advisory Group believe should be brought to the attention of the government. These issues include federal MOA responsibility and substantive MOA requirements.

With respect to federal responsibility regarding the states' civil rights compliance programs, we heartily support the recommendation made by the TAC and by other state respondents that a single federal contact point be designated to whom each state can turn for advice, information and assistance. These individuals should be thoroughly trained in Title VI, Title IX and Section 504 and in the Guidelines and the Memorandum and should understand state and local vocational education agencies, programs, and concerns. It was unfortunate that there was no one in BOAE or OCR on whom state administrators could rely for information or assistance during the MOA development phase, but this problem could be resolved rather easily by assigning qualified staff as federal/state liaisons on civil rights issues.

All states have requested that the MOA approval process be expedited, and we can do no less than agree. Although the deadline for submission of the first annual civil rights compliance report has been extended, wisely we think, relieving the immediate pressure for completing certain tasks, state administrators are still anxious to learn whether their compliance plans are acceptable at the federal level. Some administrators have hesitated to begin the implementation of their plans until approval from BOAE and OCR has been granted.

Because the federal approval of MOAs has been so late in occurring and because the operational components of the civil rights compliance program described in the Memorandum are new to most states, we recommend that the government view the first year of implementation as experimental in nature and therefore allow for some flexibility. Specific requirements for which variations should be granted include the 20 percent desk audit requirement in the first year and criteria for selection of subrecipients for review at both the desk and on-site levels.

Finally, there are issues pertaining to the regulations and the Guidelines that need to be addressed by means of policy statements. Policy statements might address the question of the application of Title IX to employment. Although many states are aware of the recent circuit court decisions which have questioned the authority of HEW to address employment discrimination in Title IX, they are not sure how these decisions affect them. Similarly, a policy statement regarding the applicability of age discrimination regulations to state agency compliance efforts needs to be issued.

C. RECOMMENDATIONS RELATING TO ASSISTANCE TO STATES

Recommendations in this area fall into three categories: training and technical assistance for state personnel, materials, and communication and information networks.

The recommendation made most often by workshop participants, TAG members and state representatives was for additional training and technical assistance, particularly around MOA implementation tasks. Our first recommendation of this nature is for an on-going series of technical assistance and training programs, each focusing on a specific MOA implementation need, such as on-site review procedures. This training could be done on a regional basis or by grouping states with common implementation problems. State representatives also asked for the continuation of technical assistance beyond the MOA development stage on a more individual basis, through a "hot-line" system or phone or mail contact with designated individuals at the federal agency level, along with short-term help on an as-needed basis. States also requested that they be provided with on-site consultation to assist them in uncovering or solving specific problems during the on-site review. Identified areas of need included: interviewing techniques, investigative techniques, and conduct of desk-audits and on-site reviews. We also recommend that intensive training be offered to at least one representative from each state who could in turn train others in their states in MOA implementation. Such a strategy, if implemented immediately, would greatly increase the numbers of state staff familiar with civil rights and capable of MOA implementation. A final suggestion was for training national and state Advisory Councils for Vocational Education

in the historical background and legislative basis of the MOA in order to bring all persons concerned with and involved in vocational education into the implementation process.

An equally strong request from states and TAG members was for materials. many of these suggestions reflected a single perceived need: the lack of instruments necessary to carry out an implementation program and the states' difficulty in designing them. The requests for materials included manuals, guidelines, sample instruments, models and procedures for implementation. We recommend that sample instruments be developed to assist state agencies prepare investigative plans and conduct on-site reviews. Similarly, guidelines should be prepared for the development of indicators of non-compliance during desk audits. The suggestion was also made that the OCR Vocational Education Compliance Manual be distributed to the states.

TAG members suggested that materials be developed to assist states in reviewing their own policies and procedures, since this has been an extremely difficult task for many states, in the absence of any common parameters for such a review.

The final category of recommendations addresses requests for federal assistance in facilitating communication and information dissemination among states and between states and federal agencies to increase the effectiveness of civil rights activities. To facilitate communication between states, we have two recommendations: quarterly branch meetings at which states could share experiences, get feedback from other states and federal officials, and learn of new policies and legal mandates; and the creation of a communication network for the continuous exchange of information, experiences and problem solving techniques.

In dealing with the issue of state and federal agency communication, we have a number of recommendations. Foremost among these is the compilation and dissemination of a list of all state compliance program directors and federal national and regional officials with compliance responsibilities, in order to facilitate communications. Another suggestion is for the government to support a centralized resource dissemination center, either new or an expansion of the current centers, for the collection and distribution of civil rights related materials: updated regulations, relevant federal documents, analysis of legal cases, and other materials that would facilitate state civil rights activities. Finally, we recommend that needs assessments be conducted periodically pertaining to the technical assistance needs of states--before a federal technical assistance effort begins--in order to focus that effort on real needs and to develop a responsive civil rights technical assistance delivery system.